

RESOLUTION NO. 2008 - 052

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AMENDMENT NO. 01 TO THE COOPERATIVE AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) DATED SEPTEMBER 3, 2003 FOR THE DEVELOPMENT AND MAINTENANCE OF A MIXED-USE RECREATIONAL TRAIL; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 3, 2003, pursuant to Resolution 2003-52, the Town entered into Cooperative Agreement #C-13205 with the SFWMD for the development and maintenance of a mixed-use recreational trail ("Original Agreement"); and

WHEREAS, on April 28, 2005, in furtherance of the Original Agreement, SFWMD entered into Florida Department of Environmental Protection (DEP) Recreational Trails Program Grant Agreement ("Grant Agreement") #T2407; and

WHEREAS, to help the Town complete the project, SFWMD requested a proposal from Broward Urban River Trails (BURT), which has completed similar improvements as subcontractor for SFWMD on the North Fork New River Trail project; and

WHEREAS, the Original Agreement provides for the SFWMD to disburse funding to the Town and not to SFWMD subcontractor's; and

WHEREAS, the Town and the SFWMD agree that the construction of improvements to the trail will be most effectively completed by the services of a mutually-selected Subcontractor to be paid directly by the SFWMD and reimbursed by grant funding in accordance with the Original Agreement and the Grant Agreement; and

WHEREAS, in furtherance of Resolution No. 2003-052, the Original Agreement, and all terms contained therein, both parties desire to amend the Original Agreement accordingly to allow the SFWMD to contract directly with its Subcontractor at no cost to the District.

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

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

Section 2: The Town Council hereby approves Amendment No. 01 to the Cooperative Agreement with the SFWMD for the development and maintenance of mixed-use recreational trails.

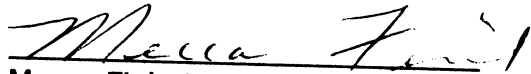
Section 3: The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to execute the attached Cooperative Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED ON this 3rd day of April 2008, on a motion made by Vice Mayor Jeff Nelson and seconded by Council Member Don Maines.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>Y</u>
Maines	<u>Y</u>

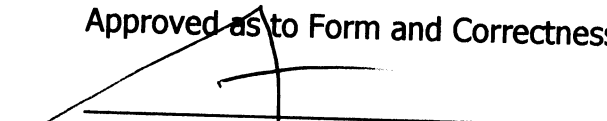
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


Mecca Fink, Mayor

ATTEST:


Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1106723_1



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

3600000075 (C-13205)-A01

AMENDMENT NO. 01

TO CONTRACT NO. 3600000075 (C-13205)

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

THE TOWN OF SOUTHWEST RANCHES

This **AMENDMENT NO. 01**, entered into on _____, to that **CONTRACT** dated September 3, 2003, between "the Parties," the South Florida Water Management District (**DISTRICT**), and The Town of Southwest Ranches (**TOWN**).

WITNESSETH THAT:

WHEREAS, the **CONTRACT** may be amended with the prior written approval of the Parties; and

WHEREAS, the Parties wish to amend the **CONTRACT** in order to amend the Terms and Conditions, delete the Statement of Work, decrease the funding, and delete the Payment and Deliverable Schedule of the **CONTRACT**;

NOW THEREFORE, the **DISTRICT** and the **TOWN**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. This **AMENDMENT No. 01** shall be effective upon the execution date of the parties.
2. This **AMENDMENT No. 01** shall be at no additional cost to the **DISTRICT**.
3. Article 1.3 is hereby deleted and restated as follows:
4. "The **DISTRICT** agrees that it will file a grant application with the State on behalf of the **TOWN** for trail funding for that portion of the trail that the **TOWN** desires to be located within the C-11 right of way and will use its best efforts to support the **TOWN's** proposal. The **DISTRICT** does not warrant or represent that efforts to obtain grant funding from the State will be successful. However, these efforts **SHALL NOT** include researching, insuring, improving, perfecting or obtaining fee title to the canal right of way. Any State funding resulting from the grant application will be disbursed to the **TOWN** and/or selected Contractor for its use (subject to the terms of the grant) in the construction of trail facilities."



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

- 5. Article 1.6, Section G is hereby deleted and added to Article 1.5 as Section F.
- 6. Article 1.6, Section I is hereby deleted in its entirety.
- 7. Article 1.6, Section K is hereby deleted and added to Article 1.7 as Section E.
- 8. Article 1.6 Section L is hereby deleted and restated as follows: "Seek, obtain or otherwise commit funding for maintenance of facilities of the project area."
- 9. The Statement of Work, attached as Exhibit "C" to the **CONTRACT** is hereby deleted in its entirety.
- 10. The monetary consideration for this **CONTRACT** is hereby reduced by an amount of Fifty-Three Thousand Nine-Hundred and Seventy-Three Dollars and Seventy Cents (\$53,973.70) for a total revised **CONTRACT** amount not to exceed Twenty-Six Thousand Twenty-Six Dollars and Thirty Cents (\$26,026.30).
- 11. All other terms and conditions of the **CONTRACT**, as amended, remain unchanged.

IN WITNESS WHEREOF, the Parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 01** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Frank Hayden, Procurement Director

SFWMD OFFICE OF COUNSEL APPROVED

BY: _____
DATE: 3-12-08

SFWMD PROCUREMENT APPROVED

BY: _____
DATE: 3-10-08 *SM*

THE TOWN OF SOUTHWEST RANCHES

By: _____
Title: _____

WITNESSES:

By _____

By _____

Mayor Mecca Fink

____ day of _____, 20____

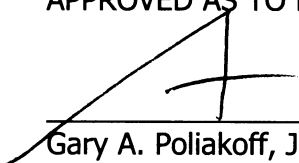
Christopher J. Russo, Town Administrator

____ day of _____, 20____

ATTEST:

Susan A. Owens, CMC, Town Clerk

APPROVED AS TO FORM:



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