

RESOLUTION NO. 2021-R-184

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AMENDED AND RESTATED INTERLOCAL AGREEMENT
FOR DESIGN, CONSTRUCTION AND JOINT FUNDING OF
RECREATIONAL FACILITIES AND AN AMENDED AND
RESTATED ESCROW AGREEMENT BETWEEN THE CITY
OF NORTH MIAMI AND THE SCHOOL BOARD OF
MIAMI-DADE COUNTY TO PROVIDE FOR THE
DISBURSEMENT OF FIVE MILLION DOLLARS
(\$5,000,000.00) IN ESCROW FUNDS TO THE CITY OF
NORTH MIAMI AND TO PROVIDE FOR THE DESIGN,
CONSTRUCTION, JOINT FUNDING OF RECREATIONAL
FACILITIES AT CAGNI PARK; PROVIDING FOR AN
EFFECTIVE DATE AND ALL OTHER PURPOSES.**

WHEREAS, Section 163.01, Florida Statutes, the “Florida Interlocal Cooperation Act of 1969”, authorizes public agencies to enter into interlocal agreements for mutual benefit and to provide facilities to service the needs of local communities; and

WHEREAS, Section 166.021, Florida Statutes, authorizes the City of North Miami (“City”) to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City and the School Board of Miami-Dade County (“Board”) entered into that certain Amended and Restated Interlocal Agreement dated October 25, 2006 (“Interlocal Agreement” or “ILA”), incorporated herein by reference, which addressed the design, construction and joint funding of educational facilities, including open space/recreational facilities (“Recreational Facilities”); and

WHEREAS, on February 6, 2019, the City and the Board entered into an Amended and Restated Interlocal Agreement which set forth certain changes and modifications to the conceptual plan included in the Interlocal Agreement for the Recreational Facilities located adjacent to and immediately east of Arch Creek Elementary School and North Miami Middle School (“Schools”); and

WHEREAS, the City and Board wish to enter into this 2021 Amended and Restated Interlocal Agreement (attached as Exhibit "A") to further amend and restate certain changes and modifications to the conceptual plan and other provisions included in the 2006 and 2019 ILAs, for the portion of the Recreational Facilities located adjacent to and immediately East and South of Arch Creek Elementary School and North Miami Middle School; and

WHEREAS, in accordance with the terms of the ILA, the City and the Board entered into an Escrow Agreement dated January 9, 2018 under which the City placed in escrow the amount of Seven Million Dollars (\$7,000,000), and the Board placed in escrow the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000), wherein the Parties authorized the Escrow Agent to release payments to the City for the design and construction of the Cagni North Field Improvement Project (the "Project"); and

WHEREAS, the City and the Board are desirous of entering into an Amended and Restated Escrow Agreement (attached as Exhibit "B") to provide for the disbursement of Five Million Dollars (\$5,000,000) of the funds held in Escrow to the City, representing Five Million Dollars (\$5,000,000) of the Seven Million Dollars (\$7,000,000) deposited therein by the City, to facilitate construction of the recreational improvements; and

WHEREAS, the Mayor and City Council believe it is in the best interest of the City and its residents to authorize the execution of the amended ILA and amended escrow agreement between the City and the Board for these purposes.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA:**

Section 1. Authority to Execute Amended Interlocal Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute an Amended and Restated Interlocal Agreement in substantially the same form as Exhibit "A" with the School Board of Miami-Dade County for the design, construction, joint funding and joint use of recreational facilities at Cagni Park.

Section 2. Authority to Execute Amended Escrow Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute an

Amended and Restated Escrow Agreement in substantially the same form as Exhibit "B" with the School Board of Miami-Dade County.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 14th day of December, 2021.



PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime	<u>X</u> (Yes) _____ (No)
Vice Mayor Scott Galvin	<u>X</u> (Yes) _____ (No)
Councilwoman Kassandra Timothe, MPA	<u>X</u> (Yes) _____ (No)
Councilwoman Mary Estimé-Irvin	<u>X</u> (Yes) _____ (No)
Councilman Alix Desulme, Ed.D.	<u>X</u> (Yes) _____ (No)