

RESOLUTION NO. 2022-R-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING CHANGES TO THE 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; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE SAID AGREEMENTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami (“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 December 14, 2021, the Mayor and City Council adopted Resolution No. 2021-R-184 authorizing the execution of an Amended and Restated Interlocal Agreement and Amended and Restated Escrow Agreement to 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 to provide for the disbursement of Five Million Dollars (\$5,000,000) of the funds held in Escrow to the City; and

WHEREAS, subsequent to the adoption of Resolution No. 2021-R-184, the City and the School Board have had additional discussions in regard to the conceptual plan; and

WHEREAS, Phase 1 includes all aspects of interest to the School Board and the projects remaining for Phase 2 are inapplicable to terms of the ILA; and

WHEREAS, the City and the School Board have agreed that phasing of the Project into the categories into Phases 1 and 2, are no longer applicable and should be removed from the terms of the agreement; and

WHEREAS, the language of the ILA was significantly modified to reflect the removal of construction phasing for the Project and to modify the language requiring disbursement of funds based on the completion of phases; and

WHEREAS, the Amended and Restated Escrow Agreement which provides 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, was updated to include a termination date of November 30, 2024; 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. Approval of Changes. The Mayor and City Council of the City of North Miami, Florida, hereby approve the changes made to the Amended and Restated Interlocal Agreement and the Amended and Restated Escrow Agreement.

Section 2. Authority to Negotiate and Execute Amended Interlocal Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate and 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 3. Authority to Negotiate and Execute Amended Escrow Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate and execute an Amended and Restated Escrow Agreement in substantially the same form as Exhibit “B” with the School Board of Miami-Dade County.

Section 4. 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 22nd day of February, 2022.


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: Estimé-Irvin

Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman 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)