

**ORDINANCE NO. 2013 -**

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY RELATING TO THE COMPLETION OF THE RECREATIONAL FIELDS TO BE CONSTRUCTED ON THE EAST SIDE OF THE MAST CAMPUS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Key Biscayne (the "Village") entered into an Interlocal Agreement with the School Board of Miami-Dade to establish a funding and cost sharing collaboration to build a grade 6-12 educational facility and recreational fields at the M.A.S.T. Academy Campus (MAST), and to undertake physical improvements at the Key Biscayne K-8 Center (the "Interlocal Agreement"); and

**WHEREAS**, Section 7 of the Interlocal Agreement provides a timeline for the completion of the construction of recreational fields on the east side of the MAST campus; and

**WHEREAS**, the School Board has requested that the Village agree to extend the completion date for construction of such recreational fields from May 2013 until August 31, 2013; and

**WHEREAS**, the Village Council desires to approve the First Amendment to the Interlocal Agreement with the School Board of Miami-Dade County, attached as Exhibit "A," (the "Amended Interlocal Agreement") relating to the above referenced extension and authorize the Village Manager to execute the same; and

**WHEREAS**, the Village Council hereby declares that the approval of the Interlocal Agreement is a valid public purpose and finds that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Amended Interlocal Agreement Approved.** The Village Council hereby approves the Amended Interlocal Agreement, in substantially the form attached hereto as Exhibit “A.”

**Section 3. Authorization.** The Village Council hereby authorizes the Village Manager to execute the Amended Interlocal Agreement, in substantially the form attached hereto as Exhibit “A,” subject to approval as to form, content, and legal sufficiency by the Village Attorney.

**Section 4. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading

PASSED on first reading this 25th day of June, 2013.

PASSED AND ADOPTED on second reading this 2nd day of July, 2013.

\_\_\_\_\_  
MAYOR FRANKLIN H. CAPLAN

ATTEST:

\_\_\_\_\_  
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

# EXHIBIT "A"

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT  
BY AND BETWEEN  
THE VILLAGE OF KEY BISCAYNE, FLORIDA  
AND  
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
TO ESTABLISH FUNDING AND COST SHARING COLLOBORATION TO BUILD A  
GRADE 6-12 EDUCATIONAL FACILITY AND RECREATIONAL FIELDS AT THE  
MAST ACADEMY CAMPUS, AND TO UNDERTAKE PHYISCAL IMPROVEMENTS  
AT THE KEY BISCAYNE K-8 CENTER**

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT ("First Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **VILLAGE OF KEY BISCAYNE, FLORIDA**, a Florida municipal corporation, its successors and assigns ("Village" or "Key Biscayne") and **THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**, a public body corporate and politic existing under the laws of the State of Florida, its successors and assigns ("Board"). The Village and the Board are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

## WITNESSETH

**WHEREAS**, the Board and Village entered into that certain Interlocal Agreement dated July 16, 2012 (the "Agreement"), to establish funding and cost sharing collaboration to build a grade 6-12 educational facility and recreational fields at the M.A.S.T. Academy Campus ("MAST"), and to undertake physical improvements at the Key Biscayne K-8 Center; and

**WHEREAS**, Section 7 of the Agreement (Proposed Timeline) provides that the Board will build recreational fields on the east side of MAST for opening around May of 2013 (parking, concession stand and separate, freestanding bathroom facilities to be provided as part of last phase); and

**WHEREAS**, the Parties are desirous of entering into this First Amendment to extend the completion date of the recreational fields.

**NOW, THEREFORE**, for and in consideration of the Sum of Ten Dollars (\$10.00) and the conditions and covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. The Parties agree that the completion date of the recreational fields to be constructed on the east side of MAST is hereby extended to August 31, 2013, or as it may be further extended by the Parties.
3. Except as hereby amended by this First Amendment, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Board and the Village caused this First Amendment to be executed by their respective and duly authorized officers as of the day and year first hereinabove written.

**VILLAGE OF KEY BISCAYNE**

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Alberto M. Carvalho  
 Superintendent of Schools  
 Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
 Village Clerk

**TO THE VILLAGE:  
 APPROVED AS TO FORM AND LEGAL  
 SUFFICIENCY:**

**TO THE SCHOOL BOARD:  
 APPROVED AS TO FORM AND LEGAL  
 SUFFICIENCY:**

\_\_\_\_\_  
 Village Attorney

\_\_\_\_\_  
 School Board Attorney