

ORDINANCE NO. 2005-9

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE AVILLAGE@), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS B PHASE II OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT IMPROVEMENTS ON CRANDON BOULEVARD AND AT CERTAIN ROADWAYS IN THE VICINITY OF CRANDON BOULEVARD, AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the AVillage@) desires to authorize and provide for the construction of Crandon Boulevard Improvements B Phase II, as described herein.

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

Section 1. Recital Adopted. That the recital stated above is hereby adopted and confirmed.

Section 2. Capital Project Authorizing Ordinance.

A. That pursuant to Village Charter, Section 3.07 (b), this Ordinance shall constitute a Capital Project Authorizing Ordinance.

B. The Capital Project consists of the construction of Crandon Boulevard Improvements B Phase II, consisting of the Base Bid items and Alternates No. 1 and No. 2.

C. The Base Bid is for improvements along Crandon Boulevard from the Village entrance to the northern limits of the Village Green, and also along Harbor Drive from Fernwood Road to Crandon Boulevard. The improvements include pavement widening to accommodate bicycle lanes,

curb and gutter construction, drainage modifications, construction of wider sidewalks, construction of paver and concrete intersections and crosswalks, asphalt resurfacing, signalization, lighting, pavement markings and signage, landscaping, irrigation, street furniture, bus shelters and Village entrance features.

D. Alternate No. 1 is for the construction of various bus shelters along the east side of Crandon Boulevard, south of Galen/McIntyre.

E. Alternate No. 2 is for improvements along Crandon Boulevard from the northern limits of the Village Green to the intersection of Galen/McIntyre. The improvement elements of Alternate No. 2 are similar to those in the Base Bid.

F. The cost of the entire Project is approximately \$4.8 Million Dollars. The Project will be funded and/or financed with monies received from Miami-Dade County, the State of Florida, and developer contributions. Based upon the best bid, the Project cost detail is, as follows:

Base Bid:	\$3,218,533.80
Alternate No. 1	\$ 197,500.00
Alternate No. 2	\$1,362,587.55
Total:	\$4,778,621.35

Section 3. Project Authorized.

A. That the Project, as described herein, is hereby authorized to be constructed by the Village.

B. That the Project shall be constructed in substantial conformity to the Crandon Boulevard Master Plan which was approved by the Village Council, and any amendments thereto.

- C. That the Village Council shall, by resolution, enter into contracts for the construction of the Project in accordance with the plans prepared by Corzo Castella Carballo Thompson Salmon, P.A. (the AC3TS®), the Village's Project Engineer.
- D. That the Village Manager is authorized to take all action necessary to implement this Ordinance, and is authorized to expend Village funds for the construction of the Project pursuant to Village budget appropriations and subject to any funding conditions which are established. Alternate No. 2 (\$1,362,588.00) shall not proceed unless the necessary County or State funds are committed to the Village, and is hereby authorized subject to such funding condition.

Section 4. Notice of Ordinance Adoption. That pursuant to Village Charter Section 4.03(9), following the passage of this Ordinance on first reading, the Village Clerk shall provide notice of the date and time of the second reading (the ASecond Reading Notice®). The Second Reading Notice shall include a brief description of the Project and its cost and shall be published in addition to and contemporaneously with notices regularly published for second readings of ordinances. The published notice shall be in substantially the form attached hereto as Exhibit AA®. Further, the Village Clerk shall provide for each Village elector to be sent a Second Reading Notice by postcard. The postcard notice shall be in substantially the form attached hereto as Exhibit AB®. Any action taken by the Council on this Ordinance shall not be voided by the failure of an individual Village elector to receive a Second Reading Notice postcard.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 10th day of May, 2005.

PASSED AND ADOPTED on second reading this 24th day of May, 2005.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY