

ORDINANCE NO. 2013-5

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.”

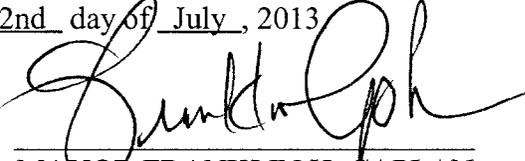
Section 3. Authorization. The Village Council hereby authorizes the Village Manager to execute the Amended Interlocal Agreement, in substantially the form attached hereto as Exhibit “A,” subject to approval as to form, content, and legal sufficiency by the Village Attorney.

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

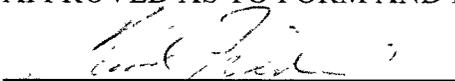
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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 2nd day of July, 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: *[Signature]*
 Name: John C. Gilbert
 Title: Village Manager
 Date: 7/24/13

By: *[Signature]*
 MR. ALBERTO M. CARVALHO
 SUPERINTENDENT OF SCHOOLS
 Date: 7/29/13

Attest: *[Signature]*
 Village Clerk

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

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

[Signature]
 Village Attorney

[Signature]
 School Board Attorney



MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE - PUBLIC HEARING 6/25/13
PUBLIC NOTICE - ORDINANCE SCHOOL BOARD OF MIAMI-DADE

in the XXXX Court,
was published in said newspaper in the issues of

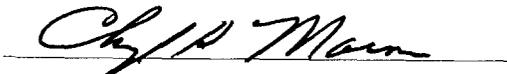
06/20/2013

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this

20 day of JUNE, A.D. 2013



(SEAL)

MARIA MESA personally known to me



VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK PUBLIC NOTICE

The Village of Key Biscayne proposes to adopt the following Ordinance:

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.

A Public Hearing on the first reading of this proposed Ordinance has been scheduled by the Village Council for Tuesday, June 25, 2013 at 7:00 p.m. in the Village Council Chamber 560 Crandon Boulevard, Key Biscayne, Florida and the Public Hearing on the second reading of this Ordinance has been scheduled by the Village Council for Tuesday, July 2, 2013 at 7:00 p.m. in the Council Chamber 560 Crandon Boulevard, Key Biscayne, Florida.

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Cochita H. Alvarez, MMC
Village Clerk

6/20

13-3-241/2105743M

