

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "MEMORANDUM OF AGREEMENT"; ACCEPTANCE, AUTHORIZATION AND EXECUTION OF THE ATTACHED "UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT" WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), FOR FINANCIAL PROJECT NUMBER 250548-3-56-02, FOR INSTALLATION OF A NORTH ROOSEVELT SEWER FORCE MAIN FROM GEORGIA STREET TO 14TH STREET IN A TOTAL AMOUNT NOT TO EXCEED \$2,153,227.22; RESCINDING RESOLUTION 10-232 AND AGREEING TO THE CANCELATION OF THE AGREEMENT PROVIDED FOR THEREIN AS IT IS SUPERSEDED BY THE INSTANT AGREEMENT; PROVIDING FOR NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 10-232, the City Commission approved a Joint Participation Agreement (JPA) titled "Utility Work by Highway Contractor Agreement" in the total amount of \$1,931,672.06 for installation of sewer force main from Georgia Street to Kennedy Drive, however no funds have been transferred to FDOT for this project; and

WHEREAS, City staff has determined, and FDOT has agreed, that it would be more effective to extend the force main installation to 14th Street; and

WHEREAS, in order to approve the JPA that reflects the expanded scope of work and additional costs of this project, it is necessary to rescind the JPA which was approved in Resolution 10-232;

WHEREAS, up to 65% of the total project cost may be reimbursable with federal funding (to the City's total funding cap) through the Army Corps of Engineers as the construction project progresses; and

WHEREAS, increasing the capacity of the City's Force Main infrastructure will improve the City's ability to process sewer flow, reducing the likelihood of overflows at sewer pump stations during severe rains or floods, thereby protecting the health of the residents of Key West;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Memorandum of Agreement" is hereby approved.

Section 2: That the attached "Utility Work By Highway Contractor Agreement" is hereby approved.

Section 3: That the City and FDOT agree to the cancellation of the JPA approved in Resolution No. 10-232, and that resolution is hereby rescinded and superseded by the instant Resolution.

Section 4: That the City Manager, with the advice and consent of the City Attorney, is hereby authorized to execute the "Memorandum of Agreement" and the "Utility Work by Highway Contractor Agreement."

Section 5: That the City Manager is authorized to effectuate budget transfers in accordance with the funding requirements.

Section 6: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2010.

Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK