

# EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager  
**cc:** Jim Fitton / Director Port & Transit  
**From:** Myra Wittenberg, Manager / KWDoT  
**Date:** June 7, 2012

A handwritten signature in blue ink, appearing to read "Myra W.", is written over the "From:" field.

**Subject:** Request to Amend Resolution No. 12-188 To Include Verbatim Recital as provided in EXHIBIT "C" of the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA), for Grant Funding of Construction Costs of the New Transit Facility

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## **Action Statement:**

This is a request for amendment of Resolution 12-188 wherein grant funding was authorized as approved, accepted and designation of authority provided for to the City Manager and the City of Key West Department of Transportation to execute the Joint Participation Agreement (JPA) between the City of Key West and the Florida Department of Transportation (FDOT) for funding of construction costs of the New Transit Facility at 5701 College Road, Key West, Florida.

As a major capital project, certain language must be included as per Exhibit "C" in the Joint Participation Agreement (JPA). Unfortunately, the language is required to be verbatim, as provided by FDOT with no substitution or exception. This was not properly addressed in the original Commission package as submitted and approved at the June 5, 2012, Commission meeting. This corrective action via approval of an amendment to the Resolution will provide FDOT the ability to proceed with execution of the grant agreement.

The recital required for inclusion and amendment to Resolution No. 12-188, by City Commission action is attached as a single page extracted from the JPA presented to you and approved at the June 5, 2012, meeting, under "EXHIBIT C", which reads as follows:

***The City acknowledges the Federal interest in the property improved by this agreement and agrees to protect the Federal interest throughout the useful life of the property; City will maintain continuous control of the property for transportation purposes only; City will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract or any other obligation pertaining to the project property that would in any way affect the continued Federal interest in that project property.***

## **Project History:**

The project history presented at the June 5, 2012, meeting remains the same at this time - we will not attempt to restate it here. See attached copy of summary presented for original resolution approval.

## **Option #1:**

The City Commission approves the required amendment to Resolution No. 12-188, to reflect and include the required recital as noted above.

## **Advantages**

The advantage of approving the requested amendment to the resolution is that FDOT can finalize and execute the funding agreement.

**Disadvantages**

There is no disadvantage to the amendment request. This is a simple housekeeping task.

**Fiscal Impact**

There is no fiscal impact identified and associated with Option #1 above.

**Option #2:**

Option #2 would see the City Commission opt to not approve the amended resolution as requested, which would result in a lack of full grant funding for this facility.

**Advantages**

There are no apparent advantages to this option.

**Disadvantages**

The disadvantage of not approving the requested amendment to the resolution is that FDOT will not be able to finalize and execute the funding agreement; thus the project would not be able to be constructed.

**Fiscal Impact**

The City would be required to fund the \$2,000,000 shortfall or not complete the construction project as approved.

**Recommendation:**

KWDoT and City Staff recommend approval of Option #1, as noted above.

Attachments:

Exhibit "C" page  
Executive Summary, June 5, 2012 (Legistar Item 12-2762)