



MEMORANDUM

Date: April 1, 2025

To: Mayor and City Commissioners

From: Ron Ramsingh
City Attorney

Subject: First Amendment to the HAWK/Higgs ILA with Monroe County to increase the time to build the multi-use athletic field from two years to four years.

Introduction:

During its March 2023 City Commission meeting, an Interlocal Agreement was approved with Monroe County that provided for the transfer of 2 vacant city-owned parcels at the HAWK Missile site to Monroe County that are in large measure unable to be developed, in order to serve as mitigation area to restore water flow. The request was to allow Monroe County to extend their airport taxiway to match the length of the existing runway. In exchange, Monroe County agreed to demolish the Navigational Directional Beacon (NDB) at a parcel of land owned by the U.S. Navy at Higgs Beach in order to construct a multi-use athletic field for city use. The time to comply with those provisions was two years, with an understanding that the parties would be amenable to extensions, so long as progress was being made achieve the terms before enforcement of a \$2,000,000.00 liquidated damages clause is invoked. So far, Monroe County was able to demolish the NDB and is in process currently to partner with the U.S. Navy to complete any environmental studies before ownership of the site could be transferred to allow Monroe County to construct the field. The parties are requesting an additional 2 years for performance.

Procurement:

This 1st Amendment has no financial impact for the city.

Options:

1. Approve the 1st Amendment allowing for four (4) years for Monroe County to complete the environmental studies as required, get ownership transferred from the U.S. Navy, and construct the athletic field.
2. Deny the extension and explore default.

Recommendation:

Option 1. Monroe County has exercised good faith in the terms of the ILA and it was known at the time of execution that more time could be a possibility for performance of the ILA terms.