

RESOLUTION NO. 19-05-28

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO THE CONSTRUCTION AGREEMENT BETWEEN ISLAMORADA VILLAGE OF ISLANDS AND ISLAND VILLA CONSTRUCTION, LLC FOR THE ANNE'S BEACH BOARDWALK PROJECT; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 2; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on October 15, 2018, the Village entered into a Construction Agreement with Island Villa Construction, LLC (“Contractor”) to build a new boardwalk, six (6) Pavilions and restore the parking lots at Anne’s Beach; and

WHEREAS, Article X “Changes to Scope of Work and Additional Work” of the Construction Agreement provides for changes, modifications, and additions to the Construction Agreement; and

WHEREAS, in May 2019, the Florida Department of Environmental Protection (“FDEP”) issued a new mitigation permit for Anne’s Beach requiring the installation of boulders and anchor pins along the overlaps and edges of South Parking Lot; and

WHEREAS, Village Staff requested Contractor to remodel the bathrooms at Anne’s Beach; and

WHEREAS, the designing engineer, The Weiler Corporation, Inc. (“Weiler”) reviewed and approved Change Order No. 2; and

WHEREAS, the Village Council finds that approval of Change Order No. 2 to the Construction Agreement between the Village and Island Villa Construction LLC. is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Approval of Change Order.** The Village Council of Islamorada, Village of Islands, hereby approves Change Order No. 2 between the Village and Island Villa Construction, LLC., a copy of which is attached hereto as Exhibit "A", together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. **Authorization of Village Officials.** The Village Manager and/or his designee and the Village Attorney are authorized to take all necessary and expedient action to implement the terms and conditions of Change Order No. 2.

Section 4. **Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Village Manger pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of Change Order No. 2.

Section 5. **Execution of Change Order.** The Village Manager is authorized to execute Change Order No. 2 on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of Change Order No. 2 and to authorize any further acts necessary to implement the terms thereof, subject to approval as to form and legality by the Village Attorney.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Jim Mooney, second by Councilwoman Cheryl Meads.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED ON THIS 30TH DAY OF MAY, 2019.



DEB GILLIS, MAYOR

ATTEST:



Kelly Toth
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY



Roger V. Bryan
ROGET V. BRYAN, VILLAGE ATTORNEY

EXHIBIT A Available Upon Request.

Please contact Village Clerk at
305-664-6413 or
deputyclerk@islamorada.fl.us