

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1140.98**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; REGARDING THE PHASE I STORMWATER IMPROVEMENT AGREEMENT; APPROVING A TAKEOVER AGREEMENT WITH MEGAN SOUTH, INC. AS AGENT FOR RLI INSURANCE COMPANY, THE SURETY UNDER THE AGREEMENT WITH URBAN ORGANIZATION, INC.; APPROVING THE AMENDMENTS CONTAINED IN THE TAKEOVER AGREEMENT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town and Urban Organization, Inc. had entered into an agreement for Phase I Stormwater Improvement dated January 20, 1998; and

**WHEREAS**, in September, 1998 the Town was notified by Urban Organization, Inc. and its Surety, RLI Insurance Company that Urban Organization, Inc. was financially unable to complete the stormwater improvements; and

**WHEREAS**, RLI has engaged Megan South, Inc., a Florida Corporation, to act as agent for RLI and complete the work contracted by Urban Organization, Inc. in the Town; and

**WHEREAS**, RLI has proposed a "takeover agreement" for continuation of the work and assignment of the contract from Urban Organization, Inc. to Megan South, Inc. and

**WHEREAS**, the work is to be completed as provided in the agreement at no additional cost to the Town above the amounts provided in the agreement; and

**WHEREAS**, Megan South, Inc. has represented that it is qualified, capable and interested in completing the contracted stormwater project.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the takeover agreement substantially in the form as attached to this resolution, and made a part of it is hereby approved. The appropriate Town Officials are authorized and directed to execute the takeover agreement on behalf of the Town.

Section 2. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

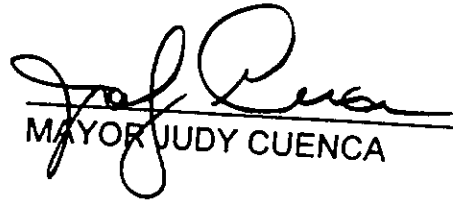
Section 3. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

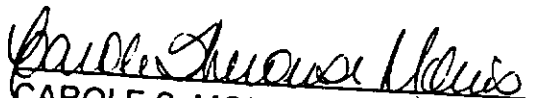
The Motion to adopt the foregoing Resolution was offered by Councilmember Fistel, seconded by Vice Mayor Chikovsky, and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilman Fistel	<u>ABSENT</u>
Councilwoman Lidsky	<u>AYE</u>
Councilman Rodriguez	<u>AYE</u>

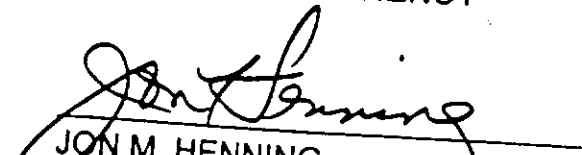
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 20<sup>th</sup> day of October 1998.

  
MAYOR JUDY CUENCA

ATTEST:

  
CAROLE S. MORRIS  
INTERIM TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY