

RESOLUTION NO. 2004 - 59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING PAYMENT TO ALYN D. KAY, INC., FOR THE PERFORMANCE OF LANDSCAPE ARCHITECTURAL SERVICES IN CONNECTION WITH THE TOWN'S EQUESTRIAN PARK; AUTHORIZING ALYN D. KAY, INC. TO FINALIZE ITS SERVICES PERTAINING TO THE TOWN'S EQUESTRIAN PARK; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTATION TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about December 2001, Alyn D. Kay, Inc. ("Alyn Kay") began to actively work on the landscape plans and all of the landscape issues pertaining to the Town's Equestrian Park; and

WHEREAS, due to an apparent miscommunication, the Town did not have a formal agreement with Alyn Kay concerning its services; and

WHEREAS, on or about February 2004, Alyn Kay presented the Town with an invoice for its services; and

WHEREAS, after numerous discussion with Alyn Kay regarding the apparent miscommunication this matter was brought up at the April 8, 2004 Town Council Meeting; and

WHEREAS, at the April 8, 2004 Town Council Meeting the Town Council requested an independent investigation of this matter; and

WHEREAS, the engineering firm of Craven Thompson gratuitously reviewed this matter and its findings were presented to the Town Council at the May 6, 2004 workshop; and

WHEREAS, the Deputy Town Attorney further supplemented the Craven Thompson memorandum with its own findings; and

WHEREAS, the Town Council requested that this matter be brought back for consideration at the May 13, 2004 Town Council Meeting; and

WHEREAS, the Town has determined that the services provided by Alyn Kay were necessary for the development and the completion of the Equestrian

Park, and had these services not been performed by Alyn Kay these service would have had to be performed by another landscape architect; and

WHEREAS, it has been determined that the quality of the services provided by Alyn Kay has been exceptional and that these services have substantially benefited the Town; and

WHEREAS, it has been acknowledged that the cost of Alyn Kay's services has increased due to the lack of cooperation, length of time, and the quality of workmanship by the landscape contractor and irrigation vendor; and

WHEREAS, the Town believes that it is in the best interest of the Town to compensate Alyn D. Kay, Inc., for the services provided.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town Council of the Town of Southwest Ranches hereby authorizes the payment of Eighty Four Thousand Seven Hundred Twenty Dollars (\$84,720) to Alyn D. Kay, Inc. as compensation for its professional services rendered in connection with the development of the Town's Equestrian Park. The Town Council further authorizes an additional payment not to exceed \$20,830.47 for the invoices Alyn D. Kay, Inc. submitted from January 15, 2004 through March 26, 2004, subject to verification and/or compensation adjustment by the Town's independent consultant.

Section 3: The Town Council, in furtherance of the April 13, 2004 letter agreement, further authorizes Alyn D. Kay, Inc. to perform the additional hours of work necessary, as approved by the Town Administrator, to complete all of its services pertaining to the Town's Equestrian Park.

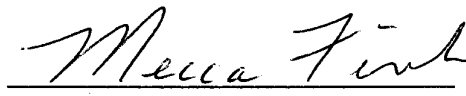
Section 4: The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to sign all documentation, which they deem necessary and proper to effectuate the intent of this Resolution.

Section 5: That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 13th day of May 2004, on a motion by Council Member Nelson and seconded by Vice Mayor Knight.

Fink Y
Knight Y
Blanton Y
Maines Y
Nelson Y

Ayes 5
Nays
Absent or
Abstaining



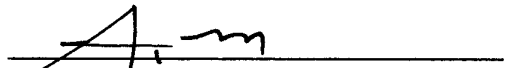
Mecca Fink, Mayor

ATTEST:



Shari Canada, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
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