

**RESOLUTION NUMBER 21-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO AMENDMENT 10 OF THE DESIGN-BUILD AGREEMENT RFQ-13-02-PW BETWEEN THE TOWN OF FORT MYERS BEACH AND MITCHELL & STARK CONSTRUCTION CO.; INCREASING THE CONTRACT AMOUNT BY \$477,202.94; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, the Town entered into a Design Build Agreement RFQ-13-02-PW ("Agreement") with Mitchell & Stark Construction Co., ("Contractor") in September of 2013; and,

**WHEREAS**, the Town and Contractor subsequently amended said Agreement in October of 2019 with Amendment 10 in the amount of \$10,420,192.58 to include construction of water mains along Estero Boulevard from Albatross Street to the southern end of the island; and,

**WHEREAS**, Change Order No. 1 to Amendment 10 of the of the Agreement increases the contracted amount by \$477,202.94.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are hereby incorporated by this reference.

**Section 2.** Change Order No. 1 to Amendment 10 of the Agreement between the Town and the Contractor attached hereto as "Exhibit A" is hereby approved.

**Section 3.** The Town Manager is authorized to execute the Change Order and expend budgeted funds on behalf of the Town.

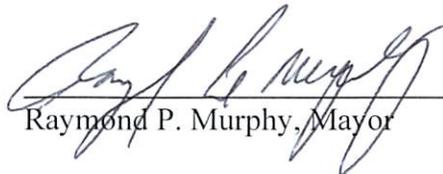
**Section 4.** This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Veach and seconded by Council Member Allers, and upon being put to a vote, the result was as follows:

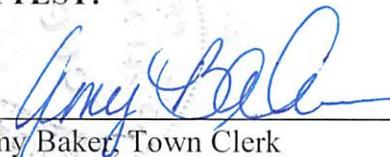
Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Councilmember	aye
Bill Veach, Councilmember	aye
Jim Atterholt, Councilmember	aye

ADOPTED this 19<sup>th</sup> day of April 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

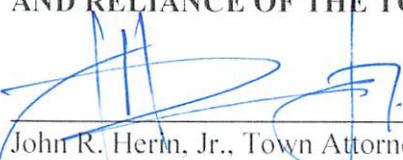
**TOWN OF FORT MYERS BEACH**

  
\_\_\_\_\_  
Raymond P. Murphy, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

  
\_\_\_\_\_  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20 day April 2021.