

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: May 20, 2008

Consent  
 Ordinance

Regular  
 Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Second Amendment to Interlocal Agreement (R2005-0680), as amended (R2007-0191), with the City of Delray Beach for the Delray Intracoastal Park.

**Summary:** This Amendment extends the project completion date for the Delray Intracoastal Park project from April 4, 2008, to December 31, 2008, in order to allow additional time for project completion and submission of the reimbursement request to the County. All other terms of the Agreement, including the funding amount of \$2,000,000, remain the same. Funding is from the 2002 \$50 Million Cultural and Recreational Facilities Bond referendum (\$500,000), the Transportation Improvement Fund (\$500,000), and the 2004 \$50 Million Waterfront Access Bond referendum (\$1,000,000). District 4 (PK)

**Background and Justification:** On April 5, 2005, the County entered into an Interlocal Agreement with the City of Delray Beach for \$1,000,000 for the construction of Delray Intracoastal Park to include two boat ramps, thirteen regular parking places, nineteen boat trailer parking places, and a 411 square foot restroom facility, as well as other site amenities such as a drinking fountain, benches, bicycle rack, and fencing. The Agreement was amended on February 6, 2007 to increase the project funding amount by \$1,000,000 from the 2004 \$50 Million Waterfront Access Bond for a total project allocation of \$2,000,000. The City is now requesting a time extension until December 31, 2008, in order to complete project construction and submit the reimbursement request for the project to the County in a timely fashion.

All other terms of the Agreement, as amended, remain the same. The Amendment has been executed by the City of Delray Beach, and now needs to be approved by the Board of County Commissioners.

**Attachment:** Second Amendment to Interlocal Agreement

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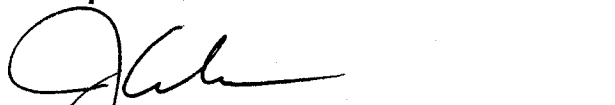
Recommended by:

  
Department Director

Date

4/25/08

Approved by:

  
Assistant County Administrator

Date

5-7-08

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_ No \_\_\_  
 Budget Account No.: Fund \_\_\_ Department \_\_\_ Unit \_\_\_  
 Object \_\_\_ Program \_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

This Amendment is for a time extension only, and has no additional fiscal impact to Palm Beach County.

C. Departmental Fiscal Review: ckopelakis

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

ahwillhite 5.5.08  
 OFMB *AS*  
*5/5/08*  
*4/30/08*

Dr. J. Jacob 5/6/08  
 Contract Development and Control  
*6. June 5/6/08*

**B. Legal Sufficiency:**

Paul F. [Signature] 5/7/08  
 Assistant County Attorney

**This amendment complies with our review requirements.**

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

REVISED 10/95  
 ADM FORM 01

This summary is not to be used as a basis for payment

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**SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY  
AND THE CITY OF DELRAY BEACH FOR FUNDING OF DELRAY INTRACOASTAL PARK**

**THIS SECOND AMENDMENT TO AGREEMENT (R-2005-0680)**, as amended, is entered into on \_\_\_\_\_, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of Delray Beach, a corporate body politic pursuant to the Constitution of the State of Florida, hereinafter referred to as "MUNICIPALITY".

**WITNESSETH:**

**WHEREAS**, on April 5, 2005, COUNTY entered into an Agreement with MUNICIPALITY (R-2005-0680), for the period April 5, 2005, through April 4, 2008, to provide an amount not-to-exceed \$1,000,000 from the \$50 Million Recreation and Cultural Facilities Bond for funding of the Delray Intracoastal Park ("the Project"); and

**WHEREAS**, on February 6, 2007, COUNTY amended said Agreement to increase the funding for the Project by \$1,000,000 from the \$50 Million Waterfront Access Bond for a total Project amount not-to-exceed \$2,000,000 from the two Bond issues; and

**WHEREAS**, MUNICIPALITY has requested that the Project completion date be extended to provide additional project completion time due to contractor related issues regarding installation of the seawall; and

**WHEREAS**, both parties desire to amend the Agreement.

**NOW THEREFORE**, the parties hereby agree as follows:

1. The first sentence of Section 2.06 of the Agreement shall be amended to state, "MUNICIPALITY agrees to totally complete the Project and open same to the public for its intended use by December 31, 2008."

2. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

**IN WITNESS WHEREOF**, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

**ATTEST:**

**SHARON R. BOCK, CLERK &  
Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

**PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Commissioner, Addie L. Greene, Chairperson

**ATTEST:**

By: *Donald D. Nubin*  
City Clerk

**CITY OF DELRAY BEACH**  
By: *Rita Ellis*  
Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: *Jerrill Ryb*  
ASST. City Attorney 4/4/08

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY**

By: \_\_\_\_\_  
County Attorney

**APPROVED AS TO TERMS AND CONDITIONS**

By: *Dennis L. Eshleman*  
Dennis L. Eshleman, Director  
Parks and Recreation Department