

AMENDMENT 3 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA, AND THE CITY OF MELBOURNE, FLORIDA

AGREEMENT NUMBER: SOIRL 19-59

THIS AMENDMENT is made and entered into by and between Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Melbourne, Florida, a Florida municipal corporation organized and existing under the laws of the State of Florida (hereinafter "CITY").

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 19-59 on November 4, 2019 ("Agreement"); and

WHEREAS, the parties previously entered into Amendment 1 to the Agreement on April 30, 2020, to update the COUNTY Project Manager and Cost-Share Amount from \$5,415,600 to \$6,769,500; and

WHEREAS, the parties previously entered into Amendment 2 to the Agreement on March 23, 2023 to extend the expiration date by six months to September 30, 2023, update the Liability and Insurance, Termination, Severability, and E-Verify language; and

WHEREAS, the CITY has completed the full design, but experienced delays in bidding the project due to revisions and legal review; and

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereby agree as follows:

1. Section 3. Terms and Extensions subsection 3.a. is amended to read as follows:
 - a. The term of this Agreement is from the date upon which the last party has dated and executed the same ("Effective Date") until March 31, 2026 ("Completion Date"). CITY shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions.
2. All terms and conditions of the Agreement, and any amendments or modifications thereto, are incorporated herein by this reference, not inconsistent with the provisions of this Second Amendment, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date last written below

BREVARD COUNTY, FLORIDA

MELBOURNE, FLORIDA

By: _____

By: _____

Date: _____

Name: Jenni Lamb

Rita Pritchett, Chair

Title: City Manager

As Approved by the Board on July 25, 2023

Date: _____

Attest

Rachel Sadoff, Clerk

Date: _____

Reviewed for legal form and content for
Brevard County



Heather A. Balsler, Assistant County Attorney