

# **AMENDMENT TO INTERLOCAL AGREEMENT REGARDING ST JOHNS HERITAGE PARKWAY INTERSECTION AND BABCOCK STREET**

**THIS AMENDMENT TO INTERLOCAL AGREEMENT REGARDING ST JOHNS HERITAGE PARKWAY INTERSECTION AND BABCOCK STREET** ("Amendment") is made and entered into the date of last signature below by and between Brevard County, Florida, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and the City of Palm Bay, Brevard County, Florida, hereinafter referred to as the "CITY".

## **WITNESSETH:**

**WHEREAS**, the COUNTY and the CITY entered into an Interlocal Agreement pursuant to Chapter 163, Part 1, Florida Statutes, regarding St. Johns Heritage Parkway Intersection and Babcock Street, entered into on the 30th day of April, 2020, as recorded in Public Records of Brevard County Florida at Official Record Book 8730, Page 998, hereinafter referred to as "Original ILA"; and

**WHEREAS**, the Original ILA was entered into by the parties in order to facilitate the completion of intersection improvements at Babcock Street and the newly constructed St. Johns Heritage Parkway, defined below as Intersection Project, and complete the future widening of Babcock Street south of Malabar Road; and

**WHEREAS**, the Original ILA set out certain deadlines and dates by which the CITY would acquire right-of-way for Phase 3 of the Intersection Project which was the subject of the Original ILA; and

**WHEREAS**, the Original ILA provided that an extension to said deadlines may be agreed to in writing by the parties, at least ninety days prior to the date of the specific item; and

**WHEREAS**, the CITY and the COUNTY have agreed to modify the Original ILA for the purpose of extending said dates for the CITY to complete acquisition of the right-of-way for Phase 3 of the Intersection Project; and

**WHEREAS**, the COUNTY and the CITY have agreed to modify only certain sections of the Original ILA as stated herein and restate all remaining Original ILA terms and conditions.

**NOW, THEREFORE**, for and in consideration of the terms, conditions and mutual covenants contained herein and for other good and valuable consideration received by each party, the sufficiency of which is hereby acknowledged, the COUNTY and the CITY acknowledge and agree as follows:

1. **Recitals.** The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this Amendment.
2. **Amendment.** Item 12(c) of the Original ILA is hereby amended as follows:  
  
December 31, 2021: The City shall complete acquisition of all right-of-way for Phase 3. If not completed by this date, the CITY shall submit a written request seeking an extension of the acquisition deadline to the County Manager's Office at least thirty calendar days prior to said deadline. The County Manager is authorized to grant two time extensions: (1) the first is up to an additional 120 days; and (2) the second is up to an additional 90 days. The granting of such extensions shall not be unreasonably withheld by the COUNTY. Any subsequent extensions must be granted by the Brevard County Board of County Commissioners.
3. **Counterparts.** This Amendment may be executed in two (2) or more counterparts, each of which shall be taken to be an original, and all collectively deemed to be one (1) instrument.
4. **Ratification.** Except as modified herein, the COUNTY and the CITY hereby represent and warrant that the Original ILA remains in full force and effect and is hereby reaffirmed and ratified by both the COUNTY and the CITY.
5. **Effective Date and Recording.** Pursuant to Chapter 163, Florida Statutes, the effective date of this Amendment shall be the date on which it is recorded with the Clerk of the Circuit Court in and for Brevard County. The COUNTY shall be responsible for recording a fully executed original of this Amendment in the public records of Brevard County, and shall return a recorded copy of the Amendment to the CITY.

**[SIGNATURE PAGE TO FOLLOW]**

**IN WITNESS WHEREOF**, the parties hereto have subscribed their names and have caused this Amendment to be executed by their duly authorized representatives.

Attest:

**City of Palm Bay, Florida**

\_\_\_\_\_  
Terese Jones, City Clerk

By: \_\_\_\_\_  
Robert Medina, Mayor-Commissioner  
Date: \_\_\_\_\_

Attest:

**Brevard County, Florida**

\_\_\_\_\_  
Rachel Sadoff, Clerk

By: \_\_\_\_\_  
Rita Pritchett, Chair  
As approved by the Board on: August  
3, 2021

Reviewed for Legal Form and Content  
for Brevard County, Florida:

 7/6/21  
Assistant County Attorney