

**SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE FUNDING
INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA AND THE
CITY OF TITUSVILLE, FLORIDA.**

AGREEMENT NUMBER: SOIRL 20-111(B)

THIS AGREEMENT is made and entered into the date of last signature below by and between the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida (hereinafter the "COUNTY"), and the City of Titusville, Florida, a Florida municipal corporation organized and existing under the laws of the State of Florida (hereinafter the "CITY").

RECITALS

WHEREAS, the COUNTY and the CITY entered into an agreement whereby the CITY would harvest aquatic vegetation from the Draa Field Pond, hereinafter referred to as the "Original Agreement", which is incorporated herein by this reference; and

WHEREAS, as part of this Original Agreement, the CITY was eligible for a Lagoon Tax Cost-Share contribution from the COUNTY of \$57,360.00 to complete the Project, based on the anticipated removal of 574 pounds of Total Nitrogen; and

WHEREAS, the CITY expected the Project to cost \$60,000.00 to complete, but final costs totaled \$115,261.40; and

WHEREAS, despite these additional costs, upon completion of the Project, it was determined, and verified by lab reports, that the CITY had removed 785.57 pounds of Total Nitrogen and 98.68 pounds of Total Phosphorous; and

WHEREAS, the increased amount of Total Nitrogen and Total Phosphorous removed by the Project served a public purpose by reducing the amount of nutrients that enter the Indian River Lagoon; and

WHEREAS, the removal of such volumes of Total Nitrogen and Total Phosphorous provided a greater nutrient reduction benefit to the Lagoon than initially anticipated and/or accounted for in the Original Agreement; and

WHEREAS, based on the actual nitrogen load reduction of 785.57 pounds, under the updated dollar amount for per pound nitrogen reduction, the Project is eligible for a maximum of \$86,413.00, equating to an increase in the cost-share of \$29,053.00; and

WHEREAS, the CITY is requesting an additional \$29,053.00 based on the increased volumes of nitrogen and phosphorous removed from the Draa Field Pond; and

WHEREAS, Section 8 of the Original Agreement does not allow for an increase in cost-share to the CITY without a contract amendment; and

WHEREAS, Section 5.1 of the Save Our Indian River Lagoon Project Plan allows for the use of contingency funds in situations where reduction benefits exceed what was initially contemplated and approved by the cost-share; and

WHEREAS, the Save Our Indian River Lagoon Citizen Oversight Committee has reviewed the application, facts, and circumstances of the Project, and recommends the requested funds be provided to the CITY.

NOW, THEREFORE, for value received, and in consideration of the following covenants, promises, and provisions, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The above recitals are incorporated herein.
2. **Payment.** The CITY shall receive \$29,053.00 for the increased removal of Total Nitrogen and Total Phosphorous under the Project.
3. **Counterparts.** This Agreement may be executed in separate counterparts and, together, shall be considered one document.
4. **Severability.** If any provision of this Agreement is determined to be illegal or unenforceable, then it shall have no effect on any other provision of this Agreement.
5. **Conflict.** Any conflicting provisions in the Original Agreement are hereby repealed.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by their respective authorized representative.

**BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

CITY OF TITUSVILLE

By: _____
Rita Pritchett, Chair

By: _____
Daniel E. Diesel, Mayor

Date: _____

Date: _____

Approved for legal form and content
for Brevard County, Florida



Assistant County Attorney