

RESOLUTION NO. 109-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH (THE "CITY"), THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT (THE "UTILITY DISTRICT") AND THE AGENCY TERMINATING THOSE CERTAIN INTERLOCAL AGREEMENTS WHICH PROVIDED FOR THE CITY AND UTILITY DISTRICT TO PROVIDE FUNDING FOR THE DEVELOPMENT OF THE CITY OF RIVIERA BEACH MARINA UPLANDS; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, it is the purpose and intent of this Agreement, the parties hereto and the Florida Interlocal Cooperation Act of 1969, as amended (the "Cooperation Act") to permit the City, the Utility District, and the Agency to make the most efficient use of their respective powers, resources and capabilities by enabling them to cooperate on the basis of mutual advantage and thereby to provide for the redevelopment of the community redevelopment area and the facilities provided for herein in the manner that will best accord with the existing resources available to each of them and the geographic, economic, population and other factors influencing the needs and developments within their respective jurisdictions ; and

**WHEREAS**, the City Council of the City of Riviera Beach, by the adoption of ordinances and resolutions: (i) on August 7, 1974 established the Agency and on February 21, 2001 found the Agency to have been in continuous existence; (ii) on December 18, 1985 approved the Inlet Harbor Center Plan and amended the Redevelopment Plan, approving the Inlet Harbor City of Riviera Beach Redevelopment Plan Modification 2001, pursuant to Ordinance No. 2912, for the Redevelopment Area; as amended by the adoption of Ordinance 3099, approving the adoption of 2011 Amended Community Redevelopment Plan; (iii) on September 19, 1984, created the Redevelopment Trust Fund; all as contemplated by the Community Redevelopment Act of 1969; and

**WHEREAS**, the City and Agency entered into a Marina Uplands Ground Lease as of July 2, 2014, as amended ("Ground Lease"), setting forth the terms and conditions to lease to the Agency certain property defined therein at the City's Marina, hereafter City Marina Upland Property" and

**WHEREAS**, on or about October 1, 2014, the City, the City of Riviera Beach Utility Special District ("Utility District"), and the Agency entered into an Interlocal Agreement to provide for their mutual and respective understandings, agreements, rights, duties and obligations pertaining to the funding of the redevelopment of the City Marina Upland Property "Marina Uplands Funding Interlocal Agreement"; and

**WHEREAS**, on or about March 16, 2016, the City and the Agency entered into an Interlocal Agreement to provide for the City to make a financial rebate to the Agency for certain public improvements to the City Marina Upland Property ("Public Improvement Reimbursements Interlocal Agreement"); and

**WHEREAS**, on or about May 18, 2016, the City and the Agency entered into an Interlocal Agreement to provide for the City to fund various program initiatives in furtherance of implementation of the Adopted Community Redevelopment Plan ("Program Sponsorship Agreement"); and

**WHEREAS**, as part of the budget process, and in furtherance of the Community Redevelopment Plan, the City, joined by the Utility District, and the Agency have determined that the Marina Uplands Ground Lease, the Public Improvement Reimbursement Agreement, the Marina Uplands Funding Interlocal Agreement, and the Program Sponsorship Agreement (collectively the "Interlocals" are no longer required for the development of the Marina and agree to terminate the Agreements as of the September 30, 2016; and

**WHEREAS**, the redevelopment of the City Marina Upland Property as provided in the Community Redevelopment Plan serves a public purpose and is in the best interests of all of the parties hereto and the respective residents and citizens thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

**SECTION 1.** The Agency approves the form of the Termination of Interlocal



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Agreements (the "Agreement") attached hereto as Exhibit "A" and approves the execution and delivery of the Agreement in substantially the form approved subject to such changes as may be approved by the Chairperson subject to advice of counsel, with the execution of the Agreement by the Chairperson conclusive evidence of the approval of such changes.

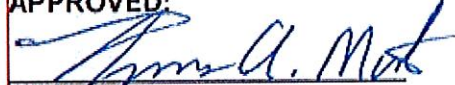
**SECTION 2.** That the Mayor and City Clerk are authorized to execute the contract.

**SECTION 3.** This Resolution shall take effect upon its passage and approval by the City Council.

**PASSED AND APPROVED THIS 4th DAY OF October, 2017.**

**[REMAINDER OF DOCUMENT INTENTIONALLY LEFT BLANK]**

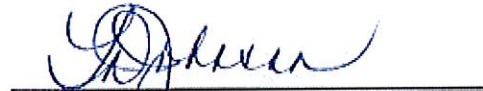
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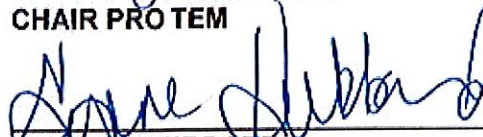
  
THOMAS A. MASTERS  
MAYOR


\_\_\_\_\_  
KASHAMBA L. MILLER-ANDERSON  
CHAIRPERSON


ATTEST:

  
CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

  
TONYA DAVIS JOHNSON  
CHAIR PRO TEM

  
LYNNE L. HUBBARD  
COUNCILPERSON

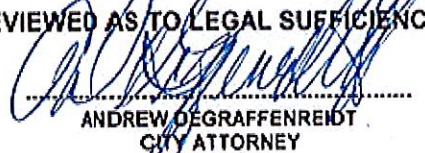
  
DAWN S. PARDO  
COUNCILPERSON

  
TERENCE D. DAVIS  
COUNCILPERSON

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS

K. MILLER-ANDERSON	<u>AYE</u>
T. DAVIS JOHNSON	<u>AYE</u>
L. HUBBARD	<u>AYE</u>
D. PARDO	<u>AYE</u>
T. DAVIS	<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY  
  
ANDREW DEGRAFFENREID  
CITY ATTORNEY

DATE: 10/2/17