

RESOLUTION NO. 2016-___

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (THE "AGENCY") APPROVING THE ADOPTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH (THE "CITY") AND THE AGENCY THAT PROVIDES FOR THE PAYMENT BY THE CITY TO THE AGENCY OF CERTAIN FUNDS FOR IMPROVEMENTS TO THE CITY OF RIVIERA BEACH MUNICIPAL MARINA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Agency entered into a Marina Uplands Ground Lease as of July 2, 2014, allowing the Agency to lease certain property defined therein at the City's Marina (hereinafter "City Marina Upland Property"); and

WHEREAS, the redevelopment of the City Marina Upland Property as provided in the 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; and

WHEREAS, as part of the budget process, the Agency, the Utility District and the City agreed to work cooperatively with each other to provide for financing, construction and operation and maintenance of any Public Improvements made to the City Marina Upland Property; and

WHEREAS, the CRA has requested that the City provide certain financial reimbursements due to the Agency's investment of Public Improvements at the City Marina Upland Property, which improvements will inure to the benefit of the Utility District and City; and

WHEREAS, the City has agreed to provide such financial reimbursements over a period of time; and

WHEREAS, the City finds that it is in the best interest of the City, the CRA and the citizens of Riviera Beach to make the financial rebate to the CRA for its investments in Public Improvements to aide the Agency in ongoing and future development of the Marina Upland Property ; and

WHEREAS, the City and the CRA agree to enter into this Interlocal Agreement to memorialize such agreement.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:

SECTION 1. The Agency approves the form of the Interlocal Agreement attached hereto as Exhibit "A" and approves the execution and delivery of the Interlocal 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 Interlocal Agreement by the Chairperson conclusive evidence of the approval of such changes..

SECTION 2. The resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this ___ day of January 2016.

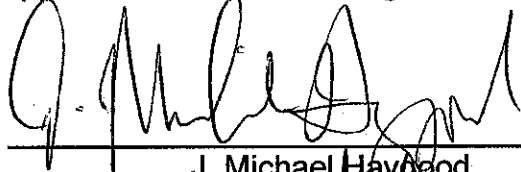
RIVIERA BEACH COMMUNITY
REDEVELOPMENT AGENCY

By: _____
Name: Dawn Pardo
Title: Chairperson

ATTEST:

Executive Director

Approved as to form and legal sufficiency



J. Michael Haygood

Date 2/19/16

General Counsel to CRA

MOTION BY: _____

SECONDED BY: _____

D. PARDO _____
T. DAVIS _____
C. THOMAS _____
B. GUYTON _____
K. MILLER-ANDERSON _____

PUBLIC IMPROVEMENT REIMBURSEMENTS
INTERLOCAL AGREEMENT

An Interlocal Agreement between the City of Riviera Beach, Florida, a municipal corporation (the "City") and the Riviera Beach Community Redevelopment Agency, a _____ entity (the "CRA") entered into this _____ day of February, 2016 (the "Agreement").

Whereas, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the need and development of local communities; and

Whereas, Part I of Chapter 163, Florida Statutes, permits public agencies as defined to enter into interlocal agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

Whereas, Section 163.400, Florida Statutes, authorizes any public body, for the purposes of aiding in the carrying out of community redevelopment, contribute funds to a municipality; and

Whereas, the City Council of the City of Riviera Beach has found and declared an area of the City of Riviera Beach in compliance with Redevelopment Area requirements, the area hereinafter referred to as the "CRA"; and

Whereas, the City Council of the City of Riviera Beach has adopted a community redevelopment plan pursuant to the Community Redevelopment Act (the "Plan"); and

WHEREAS, the City and Agency entered into a Marina Uplands Ground Lease as of July 2, 2014, allowing the Agency to lease certain property defined therein at the City's Marina, hereinafter "City Marina Upland Property"; and

WHEREAS, the redevelopment of the City Marina Upland Property as provided in the 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; and

WHEREAS, as part of the budget process, the CRA, the Utility District and the City agreed to work cooperatively with each other to provide for financing, construction and operation and maintenance of any Public Improvements made to the City Marina Upland Property; and

WHEREAS, the CRA has requested that the City provide certain financial reimbursements due to the Agency's investment of Public Improvements at the City Marina Upland Property, which improvements will inure to the benefit of the Utility District and City; and

WHEREAS, the City has agreed to provide such financial reimbursements over a period of time; and

WHEREAS, the City finds that it is in the best interest of the City, the CRA and the citizens of Riviera Beach to make the financial rebate to the CRA for its investments in Public Improvements to aide the Agency in ongoing and future development of the Marina Upland Property ; and

WHEREAS, the City and the CRA agree to enter into this Interlocal Agreement to memorialize such agreement.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. The City hereby agrees to provide the CRA an amount equal to \$500,000 on October 1st each year for term of this Agreement, commencing October 1, 2015.

Section 2. Such moneys shall be budgeted and appropriated annually in the City's budget for the period beginning October 1st and ending September 30th (the "Fiscal Year") for the term of this Agreement.

Section 3. The CRA shall continue to pay all obligations owed to the City per the authorizing resolutions or agreements.

Section 4. This Agreement shall continue until the earlier of July 1, 2034 or the dissolution of the CRA.

Section 5. If the City determines not to budget and appropriate such funds in the City's annual budget, the City shall notify the CRA in writing not later than August 15th of its determination. However, upon such determination, payments for the obligations owed to the City by the CRA in an amount not to exceed \$500,000 shall not be required of the CRA in the ensuing Fiscal Year.

Section 6. If the CRA or the City desires to modify this Agreement, either may do so only with the written consent of the other party.

Section 7. This Agreement constitutes the entire agreement between the parties and no change will be valid unless made by supplemental written agreement duly authorized and executed by the parties.

Section 8. This Agreement shall inure to the benefit of and be binding upon the parties' respective successors and assigns.

Section 9. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, then, to the extent that the invalidity or unenforceability does not impair the application of this Agreement as intended by the parties, the remaining provisions of this Agreement or the application of this Agreement to other situations, shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives on the date first above written.

[Signatures on following page]

ATTEST:

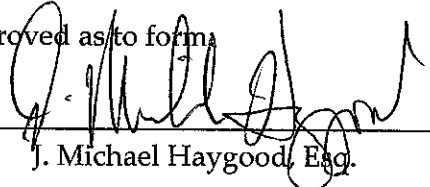
By: _____

ATTEST:

By: _____
City Clerk

REDEVELOPMENT AGENCY

By: _____
Dawn Pardo, Chair

Approved as to form
By:  _____
J. Michael Haygood, Esq.

CITY OF RIVIERA BEACH, FLORIDA

By: _____
Thomas A. Masters, Mayor

Approved as to form and legal sufficiency

By: _____
Pamela H. Ryan, City Attorney