

RESOLUTION NO. 2020- 295

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AMENDMENT 1 TO THE COST-SHARE AGREEMENT BETWEEN THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS FOR SAN DIEGO ROAD DRAINAGE IMPROVEMENTS PROJECT; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE EXTENSION ON BEHALF OF ST. JOHNS COUNTY.

WHEREAS, in August 2019, St. Johns County (“County”) entered into an agreement with the St. Johns River Water Management District (“SJRWMD”) relating to the funding of drainage improvements along San Diego Road in St. Johns County, which was approved by the Board of County Commissioners in St. Johns County Resolution No. 2019-258; and

WHEREAS, SJRWMD and the County have determined that it has become necessary to enter into Amendment 1 to the agreement, attached hereto as Exhibit A and incorporated herein, to extend the deadline to complete the improvements until December 31, 2020; and

WHEREAS, the extension of the deadline will allow for timely completion of the improvements and completion of the grant process.

WHEREAS, the County has determined that entering into the amendment to the agreement is in the interest of the public and the County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida:

Section 1. The above recitals are true and correct and are hereby adopted as findings of fact and incorporated herein.

Section 2. The Board of County Commissioners of St. Johns County approves the terms and conditions of Amendment 1 to the Cost Share Agreement Between the St. Johns River Water Management District and St. Johns County Board of County Commissioners for San Diego Road Drainage Improvements Project, and authorizes the County Administrator, or designee, to execute the amendment on behalf of St. Johns County, in substantially the same form and format as attached.

Section 3. To the extent there are typographical errors that do not substantively change the tone, tenor, or concept of this resolution, this resolution may be revised without subsequent

approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida
this 4~~th~~ day of August, 2020.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

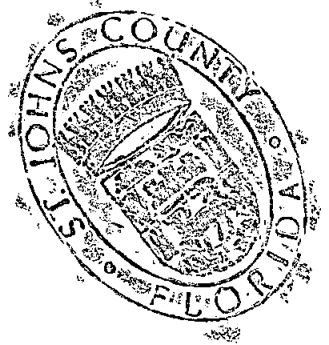
By: _____

Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

By: Sam Katterman
Deputy Clerk

RENDITION DATE 8/6/20



**AMENDMENT 1 TO THE COST SHARE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
FOR SAN DIEGO ROAD DRAINAGE IMPROVEMENTS PROJECT**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (the "District"), whose mailing address is 4049 Reid Street, Palatka, Florida 32177-2571, and ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ("Recipient") whose address is 2750 Industry Center Road, St. Augustine, Florida 32084, and is effective on the date the last party has executed same.

PREMISES:

The parties entered into Agreement No. 34743 on September 5, 2019 to provide funding for the Recipient's San Diego Road Drainage Improvements project ("Agreement"). The parties desire amend the Agreement.

NOW, THEREFORE, in consideration of the above premises, which are hereby made a part of this amendment, the mutual covenants contained herein, and other good and valuable consideration, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 1(a) TERM; WITHDRAWAL OF OFFER: delete this paragraph and replace it with the following paragraph:
 - (a) The term of this Agreement is from September 5, 2019 ("Effective Date") through December 31, 2020 ("Completion Date"). Time is of the essence for every aspect of this Agreement, including any time extensions. Any request for an extension of time beyond the Completion Date must be made in writing before October 1, 2020. For projects whose District contribution exceeds \$100,000, timely requests to extend the Completion Date more than six months beyond the original Completion date, September 30, 2020, may only be approved by the District's Governing Board. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date survive termination or expiration hereof (e.g., delivery of a final report, will remain in full force and effect after the Completion Date as necessary to effect performance).
2. All other terms and conditions of the Agreement, including any subsequent amendments, are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

ST. JOHNS COUNTY

By: _____
Louis J. Donnangelo, Bureau Chief
Bureau of Project Management, or designee

By: _____

Typed Name and Title

Date: _____

Date: _____
Attest: _____

Typed Name and Title