



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # **4B**
November 29, 2017

~ CRA BOARD SUMMARY ~
**FOURTH AMENDMENT TO FY 2016-2017 CRA/CITY INTERLOCAL AGREEMENT (ILA)
FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES**

Background: At its meeting of September 22, 2016, the CRA Board adopted the FY 2016-17 Budget and approved the Interlocal Agreement with the City of Delray Beach for funding of Joint Projects for Fiscal Year 2016-17. Per the Agreement, funds will be transferred to the City at the time that a contract is awarded or service authorization (consultant agreement) is approved for each project.

On January 26, 2017, Amendment #1 to the Interlocal Agreement (ILA) for funding of Construction/Professional Services for Fiscal Year 2016-2017 was approved consistent with Budget Amendment #1 (Resolution No. 2017-01) to reflect funding increases based on updated design costs, construction cost estimates, and/or actual construction costs.

At its meeting of May 25, 2017, the CRA Board approved Amendment #2 to the ILA to include changes for design services related to the utility relocations associated with the West Atlantic Avenue Beautification/I-95 Interchange Modification project, and costs associated with relocation of decorative lights and installation of stamped asphalt crosswalks at the intersection of Atlantic Avenue and NW/SW 12th Avenue.

On June 22, 2017, the CRA Board approved Amendment #3 to the ILA for funding related to the Veteran's Park Seawall and Dock Repairs.

At its meeting of September 28, 2017, the CRA Board approved a new Interlocal Agreement for Funding Construction/Professional Services for FY 2017-18. The City Commission approved the ILA at their November 7, 2017 meeting. The new ILA includes those transitional projects from the FY 2016-17 Agreement that were not contracted for, as well as, several new projects in the current year's CIP. However, in order to clarify the actual expenditures that were made for projects in the FY 2016-17 Agreement, a final amendment to that Agreement is necessary.

The proposed Fourth Amendment will modify the amount of funding for the projects in Exhibit "A" to reflect the actual amount of funding provided by the CRA for the projects at the end of FY 2016-17. The amendment is being processed in conjunction with CRA Budget Amendment No. 3 for FY 2016-17.

Recommended Action:

Approve the Fourth Amendment to the Interlocal Agreement with the City of Delray Beach for funding of Joint Projects for Fiscal Year 2016-17.

Submitted By: Kevin Matthews, Project Manager

Attachment: Fourth Amendment to CRA/CITY ILA for Funding of Construction/Professional Services-FY 2016-17

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**FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN
THE CITY OF DELRAY BEACH AND THE
DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY
FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES
FY 2016-2017**

THIS FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FUNDING OF CONSTRUCTION/PROFESSIONAL SERVICES ("THIRD AMENDMENT") is made this _____ day of _____, 2017, by and between the **CITY OF DELRAY BEACH**, a Florida municipal corporation, (hereinafter referred to as "**CITY**"), and the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic, duly created and operated pursuant to Chapter 163, Florida Statutes (hereinafter referred to as the "**CRA**").

WITNESSETH:

WHEREAS, the **CITY** and the **CRA** entered into an Interlocal Agreement for the Funding of Construction/Professional Services for Fiscal Year 2016-2017, on November 1, 2016 (the "Original Agreement"), which provided for funding for construction and professional services for projects within the Community Redevelopment Area; and

WHEREAS, on March 3, 2017, the **CRA** and the **CITY** entered into the First Amendment to the Original Agreement to provide for changes in the amount of funding for the projects listed in **Exhibit "A"** of the Original Agreement; and

WHEREAS, on May 11, 2017, the **CRA** and the **CITY** entered into the Second Amendment to the Original Agreement to provide for changes in the amount of funding for the projects listed in **Exhibit "A"** of the Original Agreement; and

WHEREAS, the **CRA** and the **CITY** previously entered into the Third Amendment to the Original Agreement to provide for changes in the amount of funding for the projects listed in **Exhibit "A"** of the Original Agreement; and

WHEREAS, the **CRA** and the **CITY** desire to amend **Exhibit "A"** to the Original Agreement, as previously amended by the Third Amendment, to reflect the actual amount of funding provided by the **CRA** for the projects listed in "**Exhibit A**" at the end of FY 2016-2017 in conjunction with the **CRA's** final Budget Amendment for FY 2016-2017.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1. The recitations set forth above are hereby incorporated herein.
2. The **CRA** and the **CITY** agree to amend **Exhibit "A"** to the Original Agreement, as previously amended by the Third Amendment, to reflect the actual amount of funding provided by the **CRA** at the end of FY 2016-2017 for the projects listed in **Exhibit "A"** in conjunction with the **CRA's** final Budget Amendment for FY 2016-2017.

3. **Exhibit "A"** to the Original Agreement is hereby amended as provided in **Exhibit "A"**, which is attached to this Fourth Amendment, and incorporated herein by reference.

4. All other terms and conditions of the Original Agreement, as amended by the First, Second, and Third Amendments, not in conflict with this Fourth Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

CITY CLERK

By: _____
CARY D. GLICKSTEIN, MAYOR

Approved as to Form:

R. MAX LOHMAN, CITY ATTORNEY

ATTEST:

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

JEFF COSTELLO,
EXECUTIVE DIRECTOR

By: _____
ANETTE GRAY, CHAIR

(SEAL)

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ (name of officer or agent, title of officer or agent), of _____ (name of corporation acknowledging), a _____ (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

NOTARY PUBLIC – STATE OF FLORIDA

EXHIBIT "A"

Fiscal Year 2016-2017 Projects			
	City Project #	Project Name	Amount of CRA Funding
1.	2014-002	Block 8 Alley (South of W Atlantic Ave - SW 10 th /11 th Aves)	\$ 230,000.00
2.	2016-596	Old School Square Park Upgrades	\$ 180,128.00
3.	2016-004	Old School Square Building Maintenance	\$ 35,999.00
4.	2013-022	S Swinton Ave & SW/SE 1st Street (Mast Arm Traffic Signal)	\$ 0.00
5.	2014-008	Parking Study Implementation (E. Atlantic Avenue Crosswalk Upgrades - Venetian/Gleason)	\$ 64,561.00
6.	2016-676	SW 2 nd Street Beautification (Phase II)	\$ 164,237.40
7.	2015-610	Block 63 Alley	\$ 6,405.00
8.	2015-620	SW Neighborhood Alleys (5 Alleys)	\$ 0.00
9.	2013-020	SE 2 nd St/Ave/Alleys/Parking Lot (Osceola Business Area)	\$ 1,510,375.00
10.	2014-006	Sidewalks – NW/SW Neighborhoods	\$ 0.00
11.	2011-024	NE 3 rd St/Ave Streetscape & Alley Improvements	\$ 13,444.00
12.	2015-040	NW 5 th Ave Alleys (3 Alleys)	\$ 0.00
13.	2009-006	Block 20 Alley Improvements	\$ 75,000.00
14.	2016-101	Hilltopper Stadium Elevator	\$ 42,760.00
15.	2016-500	SW 3 rd Ct/SW 4 th St/SW 6 th St/SW 7 th Ave Reconstruction	\$ 579,257.00
16.	2016-095	Osceola Neighborhood Improvements (Design)	\$ 815,531.00
17.	2016-102	Pompey Park Master Plan	\$ 0.00
18.	2017-127	W Atlantic Beautification/I-95 Interchange Modification	\$ 0.00
19.	2016-096	Veteran's Park Seawall and Dock Repair	\$ 585,179.00