

RESOLUTION NO. 22-06-16

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FIFTH AMENDMENT TO AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF NORTH PALM BEACH, CITY OF PALM BEACH GARDENS, TOWN OF LAKE PARK, AND PALM BEACH COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (Town) has such powers and authority as conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the local governments of the City of Palm Beach Gardens, the Village of North Palm Beach, the Town of Lake Park, and Palm Beach County, (hereinafter the “Participants”) previously entered into an Interlocal agreement establishing the Northlake Boulevard Task Force (hereinafter the “Task Force”) on September 2, 1997 (R-97-1156) (hereinafter the “Agreement”); and

WHEREAS, the Agreement was subsequently amended by the First Amendment to the Agreement, which was effective on August 20, 1998 (R-98-1378D) and by the Second Amendment to the Agreement, which was effective on August 22, 2000 (R-2000-1182); and

WHEREAS, the Agreement was subsequently replaced in its entirety by the Amended and Restated Agreement, which was effective on February 26, 2004 (R-2004-0394) (hereinafter referred to as the “Restated Agreement”); and

WHEREAS, the Restated Agreement was subsequently amended by the Amendment to Amended and Restated Agreement, which was effective on September 13, 2005, and the Second Amendment to the Amended and Restated Agreement, which was effective on May 6, 2006 (R-2006-0866); and

WHEREAS, the Restated Agreement as amended by R-2006-0866 provides in Part 1, Section 6 that the term of the Agreement continues through September 30, 2010, but

may be extended by written instrument of the Participants; and

WHEREAS, the Restated Agreement as amended by R-2011-1242 provides in Part 2, that the term of the Agreement continues through September 30, 2016, but may be extended by written instrument of the Participants; and

WHEREAS, the Participants have determined it is appropriate to extend the Agreement for a period of five years.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, in consideration of the mutual covenants, promises, and representation contained herein, NORTH PALM, the GARDENS, LAKE PARK, and the COUNTY hereby extend the term of the Agreement as follows:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of the Town Commission.

Section 2. The Mayor is hereby authorized and directed to execute the Fifth Amendment to the Amended and Restated Interlocal Agreement between the Village of North Palm Beach, City of Palm Beach Gardens, Town of Lake Park and Palm Beach County which is attached hereto and incorporated herein as **Exhibit "A"**. This Agreement shall continue through September 30, 2021, but may be extended by written instrument of the Participants.

Section 3. This Fifth Amendment may be executed in counterparts.

Section 4. Except as expressly set forth herein, all terms and conditions in the Restated Agreements and any previous amendments thereto shall remain in full force and effect.

Section 5. This Fifth Amendment shall become effective upon filing a fully executed Fifth Amendment with the Clerk of the Circuit Court of Palm Beach County, Florida.

Section 6. This Resolution shall be effective upon adoption.

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner Lynch and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u> / </u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u> / </u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u> / </u>	<u> </u>
COMMISSIONER ANNE LYNCH	<u> / </u>	<u> </u>
COMMISSIONER MICHAEL O'ROURKE	<u> / </u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution NO. 22-06-16 duly passed and adopted this 1 day of June, 2016.

TOWN OF LAKE PARK, FLORIDA

BY: James Dubois
JAMES DUBOIS
MAYOR

ATTEST:

Vivian Mendez
VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

R 2016 08 30

JUN 23 2016

**FIFTH AMENDMENT TO AMENDED AND RESTATED
INTERLOCAL AGREEMENT
BETWEEN THE VILLAGE OF NORTH PALM BEACH, CITY OF
PALM BEACH GARDENS, TOWN OF LAKE PARK, AND PALM BEACH COUNTY**

THIS FIFTH AMENDMENT TO AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF NORTH PALM BEACH, CITY OF PALM BEACH GARDENS, TOWN OF LAKE PARK, AND PALM BEACH COUNTY (hereinafter referred to as "FIFTH AMENDMENT") is made and entered into by and between the VILLAGE OF NORTH PALM BEACH, 501 U.S. Highway One, North Palm Beach, Florida 33408 (hereinafter "NORTH PALM"), the CITY OF PALM BEACH GARDENS, 10500 North Military Trail, Palm Beach Gardens, Florida 33410 (hereinafter "GARDENS"), the TOWN OF LAKE PARK, 535 Park Avenue, Lake Park, Florida 33403 (hereinafter "LAKE PARK"), and PALM BEACH COUNTY, 301 North Olive Avenue, West Palm Beach, Florida 33401 (hereinafter "COUNTY") (hereinafter collectively referred to as "Participants"); and

WHEREAS, the Participants previously entered into an interlocal agreement establishing the Northlake Boulevard Task Force (hereinafter referred to as "Task Force") on September 2, 1997 (R-97-1156) (hereinafter referred to as the "Agreement"); and

WHEREAS, said Agreement was subsequently amended by the First Amendment to Agreement, which was effective on August 20, 1998 (R-98-1378D) and by the Second Amendment to Agreement, which was effective on August 22, 2000 (R-2000-1182); and

WHEREAS, the Agreement was subsequently replaced in its entirety by the Amended and Restated Agreement, which was effective on February 26, 2004 (R-2004-0394) (hereinafter referred to as "Restated Agreement"); and

WHEREAS, the Restated Agreement was subsequently amended by the Amendment to Amended and Restated Agreement, which was effective on September 13, 2005, and the Second Amendment to the Amended and Restated Agreement, which was effective on May 6, 2006 (R-2006-0866); and

WHEREAS, the Restated Agreement as amended by R-2006-0866 provides in Part 1, Section 6 that the term of the Agreement continues through September 30, 2010, but may be extended by written instrument of the Participants; and

WHEREAS, the Restated Agreement as amended by R-2010-1761 provides in Part 2, that the term of the Agreement continues through September 30, 2011, but may be extended by written instrument of the Participants; and

WHEREAS, the Restated Agreement as amended by R-2011-1242 provides in Part 2, that the term of the Agreement continues through September 30, 2016, but may be extended by written instrument of the Participants; and

WHEREAS, the Participants have determined it is appropriate to extend the Agreement for a period of five years.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, NORTH PALM, the GARDENS, LAKE PARK, and the COUNTY hereby extend the term of the Agreement as follows:

Part 1. The facts, statements, and recitals heretofore set forth are true and

correct and are hereby incorporated in this FIFTH AMENDMENT by reference.

Part 2. This Agreement shall continue through September 30, 2021, but may be extended by written instrument of the Participants.

Part 3. This FIFTH AMENDMENT may be executed in counterparts.

Part 4. Except as expressly set forth herein, all terms and conditions in the Restated Agreement and any previous amendments thereto shall remain in full force and effect.

Part 5. This FIFTH AMENDMENT shall become effective upon filing a fully executed FIFTH AMENDMENT with the Clerk of the Circuit Court of Palm Beach County, Florida.

IN WITNESS WHEREOF, the parties hereto have caused this EXTENSION to be executed this 23 day of June, 2016.

ATTEST:

By: Melissa Teal
Village Clerk

VILLAGE OF NORTH PALM BEACH

By: [Signature]
David Norris, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Village Attorney

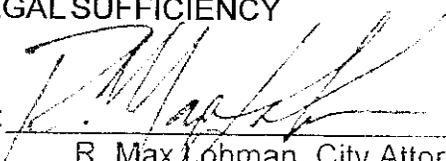
ATTEST:

CITY OF PALM BEACH GARDENS

By: 
Patricia Snider, CMC, City Clerk

By: 
Marcie Tinsley, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
R. Max Lohman, City Attorney

ATTEST:

TOWN OF LAKE PARK

By: *Vivian Mendez*  By: *James DuBois*
 Vivian Mendez, Town Clerk James DuBois, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Thomas J. Baird*
 Thomas J. Baird, Town Attorney

R20160830

JUN 23 2016

BOARD OF COUNTY COMMISSIONERS

ATTEST: PALM BEACH COUNTY, FLORIDA

By: *Doreen Powell*  By: *Mary Lou Berger*
 Deputy Clerk Mary Lou Berger, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *[Signature]*
 County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, SHARON R. BOCK, Clerk and Comptroller
 certify this to be a true and correct copy of the original
 filed in my office on _____
 dated at West Palm Beach, FL on 6-23-16
 By: *Doreen Powell*
 Deputy Clerk



JUN 23 2016