



Interoffice Memorandum

October 29, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget

K.N.P.

SUBJECT: Consent Agenda Item for November 16, 2021
Amendment to the Maintenance Agreement between The Orange Blossom Trail Development Board, Inc. and Orange County, Florida

Board approval is requested to execute an amendment to the maintenance agreement between the Orange Blossom Trail Development Board, Inc. and Orange County, Florida in order to extend the desired maintenance services until October 31, 2036. This extension is consistent with the term established for the two Orange Blossom Trail municipal service taxing units that were approved by the Board on May 18, 2021.

ACTION REQUESTED: Approval and execution of Amendment to the Maintenance Agreement between The Orange Blossom Trail Development Board, Inc. and Orange County, Florida.

KP

Attachment

c: Chris Testerman, Deputy County Administrator
Darren Gray, Deputy County Administrator
Jason Reynolds, Manager, Neighborhood Services
Ann Dawkins, MSTU Supervisor, Comptroller's Office

**AMENDMENT TO THE
MAINTENANCE AGREEMENT BETWEEN
THE ORANGE BLOSSOM TRAIL DEVELOPMENT BOARD, INC.
AND
ORANGE COUNTY, FLORIDA**

This Amendment to the Maintenance Agreement ("Amendment") is made and entered into by and between Orange County, Florida, a charter county and political subdivision of the State of Florida ("County"), and The Orange Blossom Trail Development Board, Inc., a Florida not-for-profit corporation ("OBTDB").

WITNESSETH:

WHEREAS, the County and OBTDB entered into a Maintenance Agreement on June 29, 1998, as amended by Amendments dated December 9, 2003 and October 3, 2017 (collectively, the "Agreement"), pursuant to which OBTDB agreed to provide certain maintenance services on behalf of the County for two (2) Municipal Service Taxing Units (MSTUs), as further described in the Agreement; and

WHEREAS, the Board previously found that certain parts of the MSTUs require special maintenance for road rights-of-way and public pedestrian and utility easements ("Maintenance Areas"); and

WHEREAS, the Board previously established the MSTUs, in part, for the purpose of generating revenue to provide for maintenance of the Maintenance Areas; and

WHEREAS, the Board previously determined that the MSTUs are in the public interest; and

WHEREAS, the OBTDB is willing to continue to provide maintenance services for the Maintenance Areas; and

WHEREAS, the Agreement is scheduled to expire on December 31, 2021; and

WHEREAS, pursuant to Section 3 of the Agreement, the parties may extend the term of the Agreement by mutual, written consent of both parties; and

WHEREAS, the existence of the MSTUs has been extended until October 31, 2036; and

WHEREAS, consistent with the term established for the MSTUs, both the County and OBTDB desire to extend the term of the Agreement until October 31, 2036, as set forth herein.

NOW, THEREFORE, in consideration of these premises, the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree to amend the Maintenance Agreement as follows:

Section 1. The above recitals are true and correct and are hereby incorporated as a material part of this Amendment by this reference.

Section 2. Pursuant to Section 3 of the Agreement, the term of the Agreement may be extended by written, mutual consent of the parties. This Amendment serves as the mutual consent of the parties to extend the term of the Agreement until October 31, 2036.

Section 3. The terms of this Amendment are hereby incorporated into the terms of the Agreement.

Section 4. Except as amended herein, the terms of the Agreement shall remain in full force and effect. In the event of an inconsistency between the terms of this Amendment and the Agreement, the terms of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement and intend this Amendment to be effective as of the date of later execution below.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

Date: 11/16/21

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Kate Smith*
Deputy Clerk

ORANGE BLOSSOM TRAIL
DEVELOPMENT BOARD INC.

By: *Vanessa Pinkney*

Print Name: Vanessa Pinkney

Title: Executive Director

Date: 10/27/21