



Interoffice Memorandum

AGENDA ITEM

September 21, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

SUBJECT: Consent Agenda Item for October 3, 2017
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 until December 31, 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: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

BCC Mtg. Date: October 3, 2017

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

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

WITNESSETH:

WHEREAS, the County and OBTDB entered into the Maintenance Agreement on June 29, 1998 ("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 Maintenance Agreement; and

WHEREAS, pursuant to Section 20 of the Maintenance Agreement, the parties may amend the Maintenance Agreement with a writing signed by the parties hereto; and

WHEREAS, the Amendment to the Maintenance Agreement approved by the Orange County Board of County Commissioners ("Board") on December 9, 2003 terminates on December 31, 2018; and

WHEREAS, the existence of the MSTUs has been extended until September 30, 2021; and

WHEREAS, the Board previously determined that the MSTUs are in the public interest; 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 (the "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, OBTDB is willing to continue to provide maintenance services for the Maintenance Areas; and

WHEREAS, both the County and OBTDB desire to extend the Maintenance Agreement until December 31, 2021,

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 to the Maintenance Agreement by this reference.

Section 2. Pursuant to Section 3 of the Maintenance Agreement, the expiration of the Maintenance Agreement may be extended by written mutual consent of the parties. This Amendment to the Maintenance Agreement serves as mutual consent of the parties to extend the expiration of the

Maintenance Agreement until December 31, 2021.

Section 3. The terms of this Amendment to the Maintenance Agreement are hereby incorporated into the terms of the Maintenance Agreement, as more fully set forth therein.

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

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

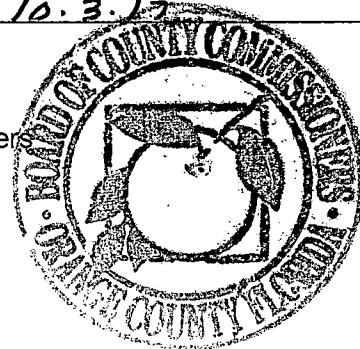
"COUNTY"
ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Rich Lakshanda*
Orange County Mayor

Date: *fu 10.3.17*

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

By: *Lolli Sweet*
Deputy Clerk



"OBTDB"
ORANGE BLOSSOMTRAIL
DEVELOPMENT BOARD, INC.

By: *Vanessa Pinkney*

Print: *Vanessa Pinkney*

Title: *Executive Director*

Date: *9/6/17*

ATTEST:
By: *L. Henry*

Print: *LORI HENRY*

Title: *Executive Assistant*

Date: *9/6/2017*