

BCC Mtg. Date: April 23, 2019

**THIRD AMENDMENT TO
SETTLEMENT INTERLOCAL
AGREEMENT**

THIS THIRD AMENDMENT TO THE SETTLEMENT INTERLOCAL AGREEMENT (Third Amendment) is made by and entered into as of the ____ day of **APR 23 2019**, 2019, by and between the **CITY OF APOPKA**, a Florida municipal corporation ("City"), and **ORANGE COUNTY, FLORIDA**, a political subdivision and charter county of the State of Florida ("County").

RECITALS:

WHEREAS, the City and County entered into that certain Settlement Interlocal Agreement Between the City of Apopka, Florida and Orange County, Florida on October 26, 2004, as amended by that certain First Amendment to the Settlement Interlocal Agreement approved on August 2, 2005 and that certain Second Amendment to Joint Planning Area Agreement Between Orange County and the City of Apopka approved on October 19, 2010 (collectively the "Agreement" or the "JPA"); and

WHEREAS, the City and County now desire to further amend the Agreement to clarify certain other parcels that are eligible for annexation into the City; and

WHEREAS, the City and County recognize that a Map Amendment is necessary to provide proper planning and access to areas that are unique to the JPA border adjacent to the Orlando Apopka Airport (Attachment "1"); and

WHEREAS, existing properties straddle a portion of the existing Joint Planning Agreement line and are bisected by the line, preventing them from being developed in a concise method; and

WHEREAS, one of the proposed developments would be serviced by access through the existing properties, and would be aviation related for pilot training and aviation maintenance and repair, which is directly associated with the Orlando Apopka Airport; and

WHEREAS, the City shall complete a small area study within twelve months to assign conceptual land uses for the area being added by this Third Amendment to the JPA and generally located north, west, southwest, and adjacent to the Orlando Apopka Airport; and

WHEREAS, pursuant to Section 163.3171(3), Florida Statutes (2018), this Third Amendment has been approved by the Orange County Board of County Commissioners and the Apopka City Council at advertised public hearings.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Section 1. Recitals.

The foregoing Recitals are true and correct and are incorporated into and form a part of this Third Amendment. All initially capitalized terms not defined herein shall have the meaning set forth in the Agreement.

Section 2. Authority.

This Third Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes (2018), (2) the general authority of Section 163.01, Florida Statutes (2018), relating to interlocal agreements, (3) the Charters of the County and City, and (4) the Agreement.

Section 3. Text Amendment. A new paragraph (f) is added to Section 3. Joint Land Use Plan, to read as follows:

(f) "Plymouth Addition." - The City agrees that the Board of County Commissioners' approval is required prior to the City Council's review and approval of any expansion or extension of the Orlando Apopka Airport, including but not limited to expansion or extension of its runway, from its location within the City's jurisdictional boundary as of the Effective Date of this Third Amendment onto property located adjacent to the airport boundary and within the Joint Planning Area identified on Attachment "1." The City shall send written notice of any such request or proposal for expansion or extension to the Deputy County Administrator at least ninety days before the City Council reviews any such request or proposal, so that the Board of County Commissioners will have sufficient time to schedule, advertise and hold a public hearing on the request or proposal.

Section 4. Map Amendment.

Attachment "1" depicts the area being added to the JPA, and Attachment "2" depicts the redrawn JPA boundary line, which includes the area shown in Attachment "1" and all annexations that have occurred within the JPA boundary since the original adoption of the Agreement. Attachment "2" shall hereby supersede and replace Exhibit "A" of the Agreement.

Section 5. Severability.

Except as expressly set forth herein, all other provisions of the JPA remain unchanged and in full force and effect. Should any section, subsection, sentence, clause, phrase or provision of this Third Amendment be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Third Amendment invalid or unconstitutional.

Section 6. Effective Date.

This Third Amendment to the Agreement shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

IN WITNESS WHEREOF, the City and County have executed this Third Amendment to the Agreement on the dates inscribed below.

Third Amendment to the Settlement Interlocal Agreement Between Orange County and the City of Apopka



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: 24 April 2019

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

By: *Kate Smith*
Deputy Clerk

CITY OF APOPKA
By: City Council

By: *Bryan Nelson*
Bryan Nelson, Mayor

ATTEST: Linda F. Goff
City Clerk

By: *Linda F. Goff*
Date: 3/7/2019

Attachment "1" **Map Amendment Area**



Attachment "2"
JOINT PLANNING AREA
 Revised JPA per the 3rd Amendment

