

RESOLUTION NO. 47-10-10

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A THIRD 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 Participants have determined it is appropriate to extend the Agreement for a period of one year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

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 Third 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"**.

Section 3. This Resolution shall be effective upon adoption.

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

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	<u> </u>
VICE-MAYOR PATRICIA OSTERMAN	<u>Absent</u>	<u> </u>
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	<u> </u>
COMMISSIONER JEANINE LONGTIN	<u>/</u>	<u> </u>
COMMISSIONER KENDALL RUMSEY	<u>/</u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution NO. 47-10-10 duly passed and adopted this 6 day of October, 2010.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK
TOWN OF LAKE PARK
SEAL
(TOWN SEAL)
FLORIDA

Approved as to form and legal
sufficiency:

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

EXHIBIT "A"

**THIRD 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 THIRD 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 "THIRD 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 Participants have determined it is appropriate to extend the Agreement for a period of one year.

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 THIRD AMENDMENT by reference.

Part 2. This Agreement shall continue through September 30, 2011, but may be extended by written instrument of the Participants.

Part 3. This THIRD 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 THIRD AMENDMENT shall become effective upon filing a fully executed THIRD 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 _____ day of _____, 2010.

ATTEST:

CITY OF PALM BEACH GARDENS

By: _____
Patricia Snider, CMC, City Clerk

By: _____
David Levy, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
R. Max Lohman, City Attorney

ATTEST:

VILLAGE OF NORTH PALM BEACH

By: _____
Village Clerk

By: _____
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Village Attorney

ATTEST:

TOWN OF LAKE PARK

By: Vin M. Lely
Town Clerk



By: Russ DuBois
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Town Attorney

COMMISSIONERS
ATTEST:

BOARD OF COUNTY
PALM BEACH COUNTY, FLORIDA

By: _____
Clerk

By: _____
, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney