

**THIRD AMENDMENT TO  
INTERLOCAL AGREEMENT FOR CREATION  
OF THE BROWARD METROPOLITAN  
PLANNING ORGANIZATION**

**Among**

**FLORIDA DEPARTMENT OF TRANSPORTATION [non-voting member]; the COUNTY OF BROWARD, the SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, the MUNICIPALITIES OF CORAL SPRINGS, DAVIE, DEERFIELD BEACH, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MIRAMAR, PEMBROKE PINES, PLANTATION, POMPANO BEACH, SUNRISE, TAMARAC AND WESTON AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA [Voting Members]**

**AND THE MUNICIPALITIES OF COCONUT CREEK, COOPER CITY, DANIA BEACH, HALLANDALE BEACH, HILLSBORO BEACH, LAUDERDALE-BY-THE-SEA, LAUDERDALE LAKES, LAZY LAKE, LIGHTHOUSE POINT, MARGATE, NORTH LAUDERDALE, OAKLAND PARK, PARKLAND, PEMBROKE PARK, SEA RANCH LAKES, SOUTHWEST RANCHES, WEST PARK AND WILTON MANORS [Alternate Members], collectively known as “the Parties”.**

This Third Amendment to the Interlocal Agreement For Creation Of the Broward Metropolitan Planning Organization (“Third Amendment”), entered into by and among the Parties.

**RECITALS**

WHEREAS, the current applicable Interlocal Agreement for the Creation of the Broward Metropolitan Planning Organization (“Interlocal Agreement”) was originally entered into March 7, 2000, and recorded on April 24, 2000, in Official Records Book 30444, Page 1278, in and for Broward County, Florida; and

WHEREAS, the Addendum to the Interlocal Agreement was recorded on September 13, 2005, in Official Records Book 40489, Page 711, in and for Broward County, Florida; and

WHEREAS, the Second Amendment to the Interlocal Agreement was recorded on September 18, 2006, in Official Records Book 42777, Page 1902, in and for Broward County, Florida; and

WHEREAS, the Parties desire to increase the voting membership of the Broward Metropolitan Planning Organization from 19 voting members (with 18 alternate members) to 25 voting members (with 13 alternate members); and

WHEREAS, the membership of the Broward Metropolitan Planning Organization has been reapportioned in accordance with Section 339.175(4), Florida Statutes and the Governor of the State of Florida has been duly notified of such reapportionment; and

WHEREAS, the municipal membership of the Broward Metropolitan Planning Organization as reapportioned in accordance with Section 339.175 (4), Florida Statutes is set forth on Table 1, attached hereto and incorporated by reference; and

WHEREAS, the undersigned Parties have determined that this Third Amendment to the Interlocal Agreement is consistent with Section 339.175(10), Florida Statutes; and

WHEREAS, the Parties have determined that this Third Amendment to the Interlocal Agreement is consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to Interlocal Agreements;

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the Parties desiring to be legally bound, do agree as follows:

1. Recitals. Each and all of the foregoing recitals are incorporated herein and acknowledged to be true and correct to the best of the Parties knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Third Amendment or the original Interlocal Agreement, as amended.
2. Additional Municipal Voting Members. Upon the Effective Date of this Third Amendment, the Municipalities of **Coconut Creek, Hallandale Beach, Margate, North Lauderdale and Oakland Park** all of which are currently Alternate Municipal Representatives shall be Voting Members of the Broward Metropolitan Planning Organization in their respective Districts as evidenced in Table 1, attached hereto.
3. Additional Broward County Voting Members. Pursuant to the Interlocal Agreement, the South Florida Regional Transportation Authority ("SFRTA") formally known as the Tri-County Commuter Rail Authority, is a Voting Member represented at the Broward Metropolitan Organization by a Broward County Commissioner who is a member of the SFRTA. In addition, the Broward County Board of County Commissioners currently has three (3) non-municipal representative Voting Members. Upon the Effective Date of this Third Amendment, Broward County shall have one (1) additional County Commissioner as a Voting Member. Thus, a total of five (5) Broward County Commissioners shall be Voting Members on the Broward Metropolitan Organization as evidenced in Table 1.
4. Article 3, Section 3.01, "Establishment of MPO", is hereby amended to designate the legal name of this Metropolitan Planning Organization to be the "Broward Metropolitan Planning Organization".

5. Except as amended herein all other terms and conditions of the Interlocal Agreement recorded in OR Book 30444, Page 1278; the Addendum to the Interlocal Agreement in OR Book 40489, Page 711; and the Second Amendment to the Interlocal Agreement recorded in OR Book 42777, Page 1902 shall remain in full force and effect.
6. Enforcement by Parties Hereto. In the event of any judicial or administrative action to enforce or interpret this Third Amendment, or the Interlocal Agreement, as amended, each Party shall bear its own costs and attorney's fees in connection with such proceeding.
7. Execution of Third Amendment: Use of Counterpart Signature Pages. This Third Amendment, or the Interlocal Agreement, as amended, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.
8. Effective Date. This Third Amendment shall become effective upon its filing in the public records of Broward County.
9. Cost of Recordation. The Broward Metropolitan Planning Organization agrees to pay for any costs of recordation or filing of this Third Amendment in the public record of Broward County. The recorded or filed original, or any amendment, shall be returned to the Broward Metropolitan Planning Organization for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this Third Amendment To Interlocal Agreement For Creation of the Broward Metropolitan Planning Organization on the respective dates under each signature.

Signed, Sealed and Delivered in the presence of:

*[Every member of the BMPO shall sign this Third Amendment with the appropriate witnesses]*

[REMAINING PORTION OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

SIGNATURE PAGES FOLLOW.]

**THIRD AMENDMENT TO INTERLOCAL AGREEMENT FOR CREATION OF THE BROWARD METROPOLITAN PLANNING ORGANIZATION**

CITY OF FORT LAUDERDALE through its Mayor, authorized to execute same by Commission action on the \_\_\_ day of \_\_\_\_\_, 2015.

CITY OF FORT LAUDERDALE

WITNESSES:

\_\_\_\_\_  
  
\_\_\_\_\_

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

(CORPORATE SEAL)

ATTEST:

By: \_\_\_\_\_  
City Clerk

Approved as to form:

By: \_\_\_\_\_  
City Attorney

STATE OF FLORIDA:

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 2015, by John P. Seiler, Mayor of the CITY OF FORT LAUDERDALE, a municipal corporation of Florida. He is personally known to me and did take an oath.

(SEAL)

By: \_\_\_\_\_

Notary Public, State of Florida