

Return recorded copy to:  
Environmental Protection and  
Growth Management Department  
Natural Resources Planning and  
Management Division, Room 329H  
115 South Andrews Avenue  
Fort Lauderdale, FL 33301

Document prepared by:  
Maite Azcoitia, Deputy County Attorney  
Broward County Attorney's Office  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, FL 33301

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**MUTUAL TERMINATION OF  
INTERLOCAL AGREEMENT FOR THE  
ACQUISITION, IMPROVEMENT, ENHANCEMENT,  
OPERATION, AND MANAGEMENT OF  
OPEN SPACE SITE OS-145  
MIDDLE RIVER TERRACE PARK ADDITION**

THIS MUTUAL TERMINATION is entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY," and CITY OF FORT LAUDERDALE, a Florida municipal corporation created and existing under the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, on October 14, 2008, COUNTY and CITY entered into that Interlocal Agreement for the Acquisition, Improvement, Enhancement, Operation, and Management of Open Space Site OS-145 Middle River Terrace Park Addition, hereinafter referred to as "Agreement"; and

WHEREAS, the Agreement provided for CITY's acquisition of Open Space Site OS-145 ("Property") with proceeds from the 2000 Broward County Safe Parks and Land Preservation Bond Issue; and

WHEREAS, the stated purpose of the Agreement was to provide funding for the acquisition and for the subsequent improvement and operation of the Property consistent with the terms of the Bond Issue; and

WHEREAS, CITY executed a Contract on September 5, 2007 with Dominick Casale and Vincent Fazio ("Sellers") for the purchase of the Property; and

WHEREAS, initial environmental testing was performed pursuant to the Contract which revealed the presence of unacceptable levels of arsenic in both the soil and groundwater with the Contract specifying the Sellers' responsibility to remediate the arsenic contamination as a condition precedent to closing the Property; and

WHEREAS, Sellers failed to perform remediation of the contamination in accordance with the terms of the Contract; and

WHEREAS, the Sellers no longer hold title to the Property, having lost same through foreclosure, and, as a consequence the CITY no longer has a valid Contract for the purchase of the Property; and

WHEREAS, based on the Sellers nonperformance under the Contract and the fact that there is no longer a binding Contract for the CITY's purchase of the Property, the parties are desirous of terminating the Agreement;

IN CONSIDERATION of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The above recitals and representations are true and correct and are incorporated herein.
2. The parties hereby agree that the Agreement is hereby terminated and each agrees to release the other from all rights, obligations, and duties under the Agreement.
3. This Mutual Termination shall be effective upon execution by the COUNTY.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and CITY, signing by and through its \_\_\_\_\_, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through its Board of County Commissioners

\_\_\_\_\_  
Broward County Administrator, as  
Ex-officio Clerk of the Broward County  
Board of County Commissioners

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

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Approved as to form by  
Joni Armstrong Coffey  
Broward County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By \_\_\_\_\_  
Maite Azcoitia  
Deputy County Attorney

\_\_\_\_ day of \_\_\_\_\_, 20\_\_

MUTUAL TERMINATION OF INTERLOCAL AGREEMENT FOR THE ACQUISITION, IMPROVEMENT, ENHANCEMENT, OPERATION, AND MANAGEMENT OF OPEN SPACE SITE OS-145 MIDDLE RIVER TERRACE PARK ADDITION

CITY

WITNESSES:

CITY OF FORT LAUDERDALE

\_\_\_\_\_

By \_\_\_\_\_

John P. "Jack" Seiler  
Mayor

[Witness-print or type name]

\_\_\_\_\_

By \_\_\_\_\_

Lee R. Feldman  
City Manager

[Witness-print or type name]

(CORPORATE SEAL)

ATTEST:

\_\_\_\_\_

Jonda K. Joseph  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Robert B. Dunckel  
Assistant City Attorney