DOCUMENT ROUTING FORM

NAME OF DOCUMENT:

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MUTUAL TERMINATION OF INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY

MIDDLE RIVER TERRACE ADDITION OS-145

In ussell

proved Comm. Mtg. on <u>April 1,</u> 2014 CAR# <u>14-0309</u>							
ITEM:	R <u></u>						
Routing Origin: CAO ENG. COMM. DEV. OTHER							
Also attached:	Form # originals						
By: forwarded to:							
1.) Approved as to Content: Department Director Please Check the proper box: CIP FUNDED YES NO	Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.						
Capital Improvement Projects							
2.) Approved as to Funds Available: by	Date:						
Amount Required by Contract/Agreement \$ De	ept./Div.						
FUNDING SOURCE: Index/Sub-object	Project #						
3.) City Attorney's Office: Approved as to Form # Originals to Cynthia Everett Cole Copertino Robert B. Ginger Wald D'Wayne Spence Paul G. B. Alain Boileau DJ Williams-Persad	Dunckel _xx						
4.) Approved as to content: Assistant City Manager:							
By: By: Stanley Hawthorne, Assistant City Manager Susanne Torriente,	Assistant City Manager APR CITY AT						
5.) City Manager: Please sign as indicated and forward # original	als to Mayor.						
6.) Mayor: Please sign as indicated and forward # originals to	Clerk.						
7.) To City Clerk for attestation and City seal.	- 4						
INSTRUCTIONS TO CLERK'S OFF	ICE						
8.) City Clerk: **RETURN ORIGINALS TO BOB DUNCKEL; FORWA	RD TO BROWARD COUNTY**						
Copy of document toOriginal Rout	te form to						
Attach certified copies of Reso. # Fill-in date C:\USERS\CAROLYNB\APPDATA\LOCAL\MICROSOFT\WINDOWS\TEMPORARY INTERNET FI ILA_MIDDLE RIVER TERRACE.DOC 04/01/2014 A-/Y-O49	ILES\CONTENT.OUTLOOK\C05PEK0J\TERM-						

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

INSTR # 112289315
OR BK 50780 Pages 1112 - 1115
RECORDED 05/15/14 11 35 26 AM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 2085
#1, 4 Pages

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

Approved BCC 5/13/14 #19
Submitted By NRPMD
RETURN TO DOCUMENT CONTROL

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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]

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Agreement:	BROWARD	COUNTY	through	its	BOARD) OF	COU	NTY
COMMISSION	NERS, signing by	and through	gh its May	or or	Vice-Ma	ayor, au	thorize	d to
execute same	by Board action	on the <u>i か</u> ん	_ day of	May		, 20	0 <u>14</u> ,	and
	by and through					duly au	thorize	d to
execute same		,						

COUNTY

ATTEST:

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



BROWARD COUNTY, by and through its Board of County Commissioners

Mayor

13h day of May

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

Maite Azcoitia

Deputy County Attorney

<u>2,</u> day of <u>Aprile</u>, 20<u>14</u>

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

By_

ATTEST:

CITY OF FORT LAUDERDALE

Lee R. Feldman City Manager

City Clerk

Seiler

WITNESSES:

Jeunette A. Johns

[Witness-print or type name]

HUAD Ilnedo

[Witness-print or type name]

CORPORATE SEAL)

IN SERVICE CITY SEAL)

NO. STANCE OF THE STANCE OF TH

APPROVED AS TO FORM:

Robert B. Dunckel Assistant City Attorney

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