

**AGREEMENT TO TERMINATE THE AGREEMENT BETWEEN BROWARD COUNTY
AND CITY OF POMPANO BEACH FOR GRANT FUNDS TO FINANCE
PLAYGROUND EQUIPMENT AT MCNAIR PARK**

This Agreement to Terminate ("Agreement") between Broward County, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County"), and the City of Pompano Beach, a Florida municipal corporation, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060 ("City") is entered into and effective as of the date this Agreement is fully executed by the Parties ("Effective Date"). County and City are hereinafter referred to collectively as the "Parties," and individually referred to as a "Party."

RECITALS

- A. The 2000 Broward County Safe Parks and Land Preservation Bond Program provides for funds that may be allocated and distributed to municipalities to benefit municipal parks and recreation systems within the geographic boundaries of Broward County ("Park Bond Program").
- B. The Board of County Commissioners of Broward County, Florida ("Board"), at a regular commission meeting held on June 12, 2018 (Agenda Item No. 81), approved the allocation and distribution of Fifty Eight Thousand and 00/100 Dollars (\$58,000.00) ("Funds") to the City from the Park Bond Program to help finance playground equipment at McNair Park in the City of Pompano Beach, Florida.
- C. Pursuant to the Board's approval, the Parties entered into an Agreement between Broward County and City of Pompano Beach for Grant Funds to Finance Playground Equipment at McNair Park on June 12, 2018 ("McNair Park Grant Agreement").
- D. The Parties now desire to reallocate the Funds granted in the McNair Park Grant Agreement to Novelty Park in the City of Pompano Beach, Florida, and to enter into a new agreement to use such Funds to help finance playground equipment at Novelty Park.
- E. The Parties have agreed to enter into this Agreement to mutually terminate the McNair Park Grant Agreement for the purpose of reallocating the Funds to Novelty Park.
- F. The Board, at a regular commission meeting held on _____, 2019 (Agenda Item No. ____), approved this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. The recitals set forth above are true, accurate, and fully incorporated by reference herein.
2. The Parties mutually agree that the McNair Park Grant Agreement is hereby terminated.
3. The Parties are relieved of any obligations under the McNair Park Grant Agreement.
4. Joint Preparation. This Agreement has been jointly prepared by the Parties, and shall not be construed more strictly against either Party.
5. Representation of Authority. Each individual executing this Agreement on behalf of a Party hereby represents and warrants that he or she is, on the date he or she signs this Agreement, duly authorized by all necessary and appropriate action to execute this Agreement on behalf of such Party and does so with full legal authority.
6. Counterparts. This Agreement may be executed in counterparts. Each executed counterpart will constitute an original document, and all of them, together, will constitute one and the same agreement. It shall not be necessary for every Party to sign each counterpart but only that each Party shall sign at least one such counterpart.

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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 _____, 2019 (Agenda Item No. ____), and CITY OF POMPANO BEACH, signing by and through its Mayor, 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 _____, 2019

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Claudia Capdesuner
Assistant County Attorney

By _____
Annika E. Ashton
Deputy County Attorney

CC/IQ/mdw
07/08/2019
Park Bond Termination Agreement McNair Park
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AGREEMENT TO TERMINATE THE AGREEMENT BETWEEN BROWARD COUNTY
AND CITY OF POMPANO BEACH FOR GRANT FUNDS TO FINANCE PLAYGROUND
EQUIPMENT AT MCNAIR PARK

CITY

WITNESS:

CITY OF POMPANO BEACH

(Signature)

By _____
Rex Hardin, Mayor

(Print Name of Witness)

____ day of _____, 2019

(Signature)

By _____
Gregory P. Harrison, City Manager

____ day of _____, 2019

(Print Name of Witness)

Approved As To Form:

Mark E. Berman, City Attorney

ATTEST:

Asceleta Hammond, City Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by **REX HARDIN** as Mayor, **GREGORY P. HARRISON** as City Manager, and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation who are personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed, or Stamped)

Commission Number