

**REINSTATEMENT AND  
PROJECT AGREEMENT AMENDMENT**

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**THIS IS A REINSTATEMENT AND PROJECT AGREEMENT AMENDMENT**

dated the \_\_\_\_\_ day of \_\_\_\_\_ 2016, between:

**CITY OF POMPANO BEACH**, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, (hereinafter referred to as "PROJECT SPONSOR"),

and

**FLORIDA INLAND NAVIGATION DISTRICT**, having a mailing address of 1314 Marcinski Road, Jupiter, Florida 33477-9498, (hereinafter referred to as "DISTRICT").

**WHEREAS**, the parties entered into a Project Agreement #BR-BP-14-110, Alsdorf Park Improvements – Phase II, on November 17, 2014 (the "Original Agreement") and approved by City Resolution No. 2015-45; and

**WHEREAS**, the Original Agreement has lapsed without renewal; and

**WHEREAS**, the PROJECT SPONSOR and the DISTRICT desire to reinstate the Original Agreement, and to delete Paragraph 2., "Term" of the Original Agreement and substitute additional language as more particularly described below.

**WITNESSETH:**

**IN CONSIDERATION** of the mutual terms, conditions, promises, covenants and payments herein set forth CITY and CONCESSIONAIRE agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

2. The Original Agreement executed on November 17, 2014, is hereby reinstated and shall remain in full force and effect except as specifically amended herein below.

3. Paragraph 2., Term, of the Original Agreement is hereby deleted and substituted with the following language:

2. **TERM** – The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this agreement unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 1, 2017.** Pursuant to law, the PROJECT period cannot extend beyond three (3) years from October 1, 2014, and therefore this PROJECT must be completed by September 30, 2017, unless the completion of the PROJECT has been delayed by a declared natural disaster and the DISTRICT Board authorizes an extension of the completion dated based upon this delay.

4. This Agreement shall bind the parties and their respective executors, administrators, successors and assign and shall be fully effective as though the reinstatement and amendment had been originally included in the Original Agreement.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

**“DISTRICT”:**

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Witness

Print Name: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
General Counsel

FLORIDA INLAND NAVIGATION DISTRICT

By: \_\_\_\_\_  
Executive Director

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_

**"PROJECT SPONSOR":**

Witnesses:

**CITY OF POMPAÑO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
DENNIS W. BEACH, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved by:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** 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 is personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

/jrm  
9/28/16  
L:agr/pw/2016-1284