

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Extension of Interlocal Agreement-City of Oviedo Community Park Agreement

DEPARTMENT: Library & Leisure Services **DIVISION:** Parks & Recreation

AUTHORIZED BY: *J. Feldman* **CONTACT:** J. Suzy Goldman **EXT:** 1605

Agenda Date: <u>1/24/06</u>	Regular <input type="checkbox"/>	Consent <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute extension of the City of Oviedo Community Park agreement from January 30, 2006 to June 30, 2006.

BACKGROUND:

On January 30, 2001 the BCC entered into an agreement with the City of Oviedo for the acquisition and development of the Winter Miles site as a community park (Shane Kelly Park). The agreement specifies repayment of the County's \$1,000,000 contribution if the site is not developed within five (5) years.

Due to construction delays, the City has requested an extension of this agreement to June 30, 2006.

Reviewed by: <u><i>[Signature]</i></u>
Co Atty: <u><i>[Signature]</i></u>
DFS: _____
Other: _____
DCM: <u>SS</u>
CM: <u><i>[Signature]</i></u>
File No. <u>CLLP01</u>

**CITY OF OVIEDO FLORIDA**

400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765 • (407) 977-6000
www.ci.oviedo.fl.us TDD LINE (407) 977-6340

January 3, 2006

Mr. Don Fisher
Acting County Manager
Seminole County
1101 East First Street
Sanford, FL 32771

Subject: Shane Kelly Park Phase I

Dear Mr. Fisher:

Seminole County and the City of Oviedo have entered into an interlocal agreement to provide the City with financial support for the acquisition of Shane Kelly Park, a regional park facility located inside the City at Geneva Road and Lockwood Boulevard. On behalf of the City, I wanted to provide you with this year end report on the status of the City's efforts to develop a park facility at this location and to request an extension to the target completion dates in our agreement.

Construction of the improvements at the park was approved by the Oviedo City Council earlier this year and construction activity has proceeded, albeit at a slower pace than expected, since that date. At this time, the City anticipates that construction of the first phase of improvements will be completed by June 30, 2006. This date is 6 months later than the anticipated completion date in our agreement and it may prove helpful for us to execute an amendment to recognize the postponement in completion.

The delays in the completion of construction are due to unforeseen problems, including the following:

- Site preparation: an additional 30,000 yards of fill had to be moved onto the site from remote locations to complete the construction of athletic fields;
- Additional soil borings have been conducted in the areas of the roadway, parking, and retaining wall because of the wide presence of unsuitable material on the site. The soil borings have been completed and the geotechnical report has been provided to the design engineer for review and validation.
- The city's design professional applied for roadway permits from Seminole County for work on Geneva Road in April; the roadway permits were issued seven months later and were received in November.
- The City's design consultant, Glatting Jackson, has applied for final wetland permitting on the northeast side of the property. A modification to the wetland permit was

Mr. Don Fisher
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necessitated by changes in the proposed Geneva Road improvements. The staff reviewer for the St. John's Water Management District has been out of the office since mid-December; Glutting Jackson is working with SJWMD to expedite the approval of this permit.

- The bathroom/concession building design is under review by the City's architectural consultant. Upon completion of that review, the City will seek competitive bids for this portion of the project.

The following items of work have been completed to date:

- All stormwater drainage piping on site, including structures and pond cuts is finished.
- All sanitary wastewater structures and associated gravity sewer piping has been installed.
- A sanitary sewer lift station has been installed.
- On-site water main is 80% complete.
- All three soccer fields have been filled and graded; only final grading (top dressing) remains to be completed.
- A field under drain has been installed and tied in to the existing storm water system.
- Sports lighting equipment and portions of the electrical wiring have been installed.

The City is requesting an extension of the target date for completion to June 30, 2006. I hope this information will be helpful in responding to any inquiries that you may receive from the Board of County Commissioners. Please do not hesitate to contact Recreation and Parks Director, Dru Boulware, at 407-977-6361 for additional assistance.

We look forward to your continued support of our efforts to develop this regional park facility.

Sincerely,



Gerald Seeber
City Manager

Cc: J. Susie Goldman, Library and Leisure Services
Dru Boulware, Recreation and Parks Director
Bunker Hill, Capital Projects Manager

/sw

**FIRST AMENDMENT TO SEMINOLE COUNTY AND CITY OF OVIEDO
COMMUNITY PARK AGREEMENT**

THIS FIRST AMENDMENT is made and entered into this _____ day of _____, 20____ and is to that certain Agreement made and entered into on the 30th day of January, 2001, between **CITY OF OVIEDO, FLORIDA**, a municipal corporation, whose address is 400 Alexandria Boulevard, Oviedo, Florida 32765, hereinafter referred to as "CITY," and **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as "COUNTY".

W I T N E S S E T H:

WHEREAS, the CITY and COUNTY entered into the above-referenced Agreement on January 30, 2001 for development and operation of a multipurpose community park; and

WHEREAS, the parties desire to amend the Agreement so as to enable both parties to continue to enjoy the mutual benefits it provides; and

WHEREAS, Section 7 of the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties,

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties agree to amend the Agreement as follows:

1. Section 2(b) of the Agreement is amended to read:

(b) In the event that the WINTER MILES PROPERTY is not developed in accordance with Section 2(a) by June 30, 2006, CITY agrees to repay the COUNTY the full amount of the COUNTY's contribution as described in Section 3 below; provided, however, that in the event substantial completion, as determined by the COUNTY, has occurred by June 30, 2006, CITY agrees to repay the COUNTY fifty percent (50%) of the COUNTY's contribution as described in Section 3 below. Substantial completion

shall include, at a minimum, the three (3) lighted multi-purpose fields (minimum three (3) acres each).

2. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect for the term of the Agreement, as originally set forth in said Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed.

ATTEST:

CITY OF OVIEDO

BARBARA BARBOUR, City Clerk

By: _____
THOMAS G. WALTERS, Mayor

(CORPORATE SEAL)

Date: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
CARLTON HENLEY, Chairman

Date: _____

For the use and reliance
of Seminole County only.

As authorized for execution
by the Board of County Commissioners
at their _____, 20____
regular meeting.

Approved as to form and
legal sufficiency.

County Attorney
AC/lpk
1/6/06
lam Oviedo park agt