

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: OVIEDO/ SEMINOLE COUNTY JPA AMENDMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: April Boswell EXT. 7339

Agenda Date	<u>09/14/04</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:

1. Authorize the Chairman to execute the *First Amendment to City of Oviedo/ Seminole County Joint Planning Interlocal Agreement*; or
2. Do not authorize the Chairman to execute the *First Amendment to City of Oviedo/ Seminole County Joint Planning Interlocal Agreement*; or
3. Continue this item to a date and time certain.

Districts 1 and 2

April Boswell, Senior Planner

BACKGROUND:

On September 20, 1999, the City of Oviedo and Seminole County entered into a Joint Planning Interlocal Agreement (JPA) for the broad purpose of providing for joint land use planning and continuation of intergovernmental coordination and cooperation between the City and County. The original five year Term of the subject agreement is set to expire September 2004, with an automatic renewal for an additional five year period. The City and County have expressed interest in updating and strengthening the JPA. Per the original JPA, the County sent a letter to the City on June 22, 2004, notifying the City of the intention not to renew the original agreement, so that both jurisdictions may work together to draft a new agreement. In order to ensure adequate time to negotiate a new agreement viable for both the City and the County and make certain that no time elapses without an enforceable agreement, the proposed amendment to the original agreement will extend the length of the term of the 1999 JPA from a five year period to a six year period, which adds an additional one (1) year period. This means that the original agreement does not expire until September 2005. The amendment also changes the subsequent automatic renewal period from a five (5) year period to a one (1) year renewal period. These changes allow time flexibility for the City and

Reviewed by:	<u>SA</u>
Co Atty:	<u>SA</u>
DFS:	<u>SA</u>
Other:	<u>SA</u>
DCM:	<u>SA</u>
CM:	<u>SA</u>
File No.	<u>cpdp02</u>

County to negotiate a new, improved JPA while maintaining the enforcement of the original 1999 JPA.

The City of Oviedo considered this amendment at the City Council meeting on August 16, 2004 and approved the item on consent. The Mayor has signed originals of the amendment which are being forwarded to the County.

STAFF RECOMMENDATION:

Staff recommends the Board authorize the Chairman to execute the *First Amendment to the City of Oviedo/Seminole County Joint Planning Interlocal Agreement*.

Attachments: First Amendment to City of Oviedo/ Seminole County Joint Planning Interlocal Agreement.

**FIRST AMENDMENT TO CITY OF OVIEDO/SEMINOLE COUNTY
JOINT PLANNING INTERLOCAL AGREEMENT**

THIS FIRST AMENDMENT TO CITY OF OVIEDO/SEMINOLE COUNTY JOINT PLANNING INTERLOCAL AGREEMENT, is made and entered into this ____ day of _____, 2004, by and between **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771 (hereafter referred to as the "COUNTY") and the **CITY OF OVIEDO**, a Florida municipal corporation, whose address is 400 Alexandria Boulevard, Oviedo, Florida 32765 (hereafter referred to as "CITY").

W I T N E S S E T H:

WHEREAS, on September 20, 1999, the CITY and the COUNTY entered into a Joint Planning Interlocal Agreement (the "Agreement"); and

WHEREAS, the parties wish to amend the length of the term of the Agreement.

NOW, THEREFORE, in consideration of the promises, covenants and commitments contained herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged as to both parties, the parties agree as follows:

1. **AMENDMENT TO SECTION 9 OF THE AGREEMENT.** Section 9 of the Agreement is amended to read (underlined words are added, words struck through are deleted):

SECTION 9. TERM. This Agreement shall be in effect for a ~~five (5)~~ six (6) year period beginning the date on which it is fully executed by the parties. This Agreement shall be automatically renewed for a subsequent ~~five (5)~~ one (1) year period unless one (1) of the parties hereto gives the other party at least ninety (90) days advance notice, in writing, of its intention not to renew this Agreement.

2. Except as herein modified, all terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties have caused this First Amendment To City of Oviedo/Seminole County Joint Planning Interlocal Agreement to be executed on the day and year first written above.

ATTEST:

CITY OF OVIEDO

BARBARA BARBOUR, City Clerk

By: _____
THOMAS G. WALTERS, Mayor

Date: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**


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

By: _____
DARYL G. MCLAIN, Chairman

Date: _____

For the use and reliance
Seminole County only.
Approved as to form and
legal sufficiency

As authorized for execution by of
the Board of County
Commissioners at their regular
meeting of _____, 2004.



County Attorney

SPL

08\04\04

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