

FIRST AMENDMENT  
TO AGREEMENT BETWEEN THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
AND  
CITY OF CLEARWATER  
FOR  
HILLCREST BYPASS CULVERT (N632)

This FIRST AMENDMENT effective upon execution by both parties, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and CITY OF CLEARWATER, a municipal corporation of the State of Florida, whose address is 112 Osceola Avenue, Clearwater, Florida 33756, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT and the CITY entered into an agreement effective October 1, 2014, (Agreement No. 15C00000019) hereinafter referred to as the "Existing Agreement" for design, permitting, and construction of a box culvert from under Browning Street to the north side of Jeffords Street to reduce structure flooding. This project was identified in the Stevenson Creek Watershed Management Plan, which was prepared by the CITY with the DISTRICT'S cooperative funding and participation, hereinafter referred to as the "PROJECT"; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to extend the contract period and modify the Project Schedule, modify the Project Plan due to scope changes, and update contract language applicable to the DISTRICT'S cooperatively funded projects.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Existing Agreement as follows:

1. The Contract Period Paragraph is hereby amended to extend the expiration date of August 31, 2017 to October 31, 2019.
2. The Project Description section set forth in Exhibit "A" is hereby replaced in its entirety with the following:

PROJECT DESCRIPTION

The goal of the PROJECT is to provide flood relief for approximately 36 homes, within the Stevenson Creek Watershed, by creating additional conveyance within the Hillcrest Avenue area. The DISTRICT will be reimbursing the CITY for improvements performed within the Hillcrest Avenue area, which are necessary to achieve the Resource Benefit and Measurable Benefit described below.

3. The Resource Benefit section set forth in Exhibit "A" is hereby replaced in its entirety with the following:

## RESOURCE BENEFIT

The PROJECT will reduce existing flooding in the Hillcrest Bypass area, removing approximately 36 structures from the 100-year floodplain.

4. The Project Schedule section set forth in Exhibit "A" is hereby replaced in its entirety with the following:

## PROJECT SCHEDULE

The CITY shall be responsible for accomplishing the PROJECT within the following timetable:

DESCRIPTION	DATE
Start Design and Permitting	February 7, 2015
30% Design Complete	April 30, 2015
60% Design Complete	August 7, 2015
90% Design Complete	February 22, 2016
Complete Design & Permitting	June 28, 2016
Advertise Project	October 18, 2017
Bidding and Contractor Selection Complete	November 30, 2017
Start Construction	January 1, 2018
Finish Construction	January 4, 2019
Record Drawings Complete	April 12, 2019


Additional task deadlines contained in the performance schedules of any consultant and contractor contracts will be incorporated herein by reference.

5. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

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IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this FIRST AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT


By:  8/29/2017  
Amanda Rice, P. E. Date  
Assistant Executive Director

CITY OF CLEARWATER

By:  8/21/17  
George N. Cretekos, Mayor Date

By:  8/21/17  
William B. Horne II, City Manager Date

Approved as to form:

  
Mathew Smith  
City Attorney

Attest:

  
Rosemarie Call  
City Clerk



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DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MSM</u>	<u>8/8/17</u>
RISK MGMT		
CONTRACTS	<u>[Signature]</u>	<u>8/8/17</u>
BUREAU CHIEF	<u>[Signature]</u>	<u>8-8-17</u>
DIRECTOR	<u>[Signature]</u>	<u>8/9/17</u>
GOVERNING BOARD		