

2019 XT 000193

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Stacy M. Butterfield, Polk County Clerk and Comptroller, hereby certify that attached is the Combined Project Implementation Agreement between Polk Regional Water Cooperative, City of Auburndale, City of Bartow, City of Davenport, City of Eagle Lake, City of Fort Meade, City of Hanes City, City of Lake Alfred, City of Lakeland, City of Lake Wales, City of Mulberry, City of Polk City, City of Winter Haven, Town of Dundee, and Town of Lake Hamilton for the Establishment for the Polk Regional Water Cooperative and Sections 163.01 and 373.713, Florida Statutes. This Interlocal Agreement was approved by the Polk County, Board of County Commissioners on February 19, 2019.

WITNESS my hand and official seal on this November 21, 2019.



STACY M. BUTTERFIELD
County Clerk and Comptroller

By: Asuncion Nieves
Deputy Clerk

FILED - GENERAL
POLK COUNTY CLERK
CIRCUIT COURT CIVIL
2019 NOV 21 AM 9:55

**FIRST AMENDMENT TO
COMBINED PROJECTS IMPLEMENTATION AGREEMENT**

THIS FIRST AMENDMENT to that certain Combined Projects Implementation Agreement dated May 1, 2017 (“Agreement”) is made and entered into as of the Effective Date as hereinafter defined, by and among the Polk Regional Water Cooperative (“Cooperative”), whose address is 330 W. Church Street, Bartow, FL 33830, the City of Auburndale whose address is P.O. Box 186, Auburndale, FL 33823, the City of Bartow whose address is P.O. Box 1069, Bartow, FL 33831, the City of Davenport whose address is P.O. Box 125, Davenport, FL 33836, the City of Eagle Lake whose address is P.O. Box 129, Eagle Lake, FL 33839, the City of Fort Meade whose address is P.O. Box 856, Fort Meade, FL 33841, the City of Haines City whose address is 620 E. Main Street, Haines City, FL 33844, the City of Lake Alfred whose address is 120 E Pomelo Street, Lake Alfred, FL 33850, the City of Lakeland whose address is 228 S Massachusetts Ave., Lakeland, FL 33801, the City of Lake Wales whose address is P.O. Box 1320, Lake Wales, FL 33859, the City of Mulberry whose address is P.O. Box 707, Mulberry, FL 33860, the City of Polk City whose address is 123 Broadway Blvd SE, Polk City, FL 33868, the City of Winter Haven whose address is P.O. Box 2277, Winter Haven, FL 33883, the Town of Dundee whose address is P.O. Box 1000, Dundee, FL 33838, the Town of Lake Hamilton whose address is P.O. Box 126, Lake Hamilton, FL 33851 and Polk County (“Polk County”), a charter county and political subdivision of the State of Florida, whose address is P.O. Box 9005, Bartow, Florida 33831, individually also referred to as a “Party” and collectively referred to as the “Parties.”

THE PURPOSE of this First Amendment is to add the Peace River Project to the Combined Projects, all of which are Approved Water Projects of the Cooperative, pursuant to the In-

terlocal Agreement Relating to the Establishment of the Polk Regional Water Cooperative and Sections 163.01 and 373.713, Florida Statutes.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, each to the other, receipt of which is hereby acknowledged and the Parties hereby modify, amend and supplement the Agreement as follows:

Section 1: RECITALS AND RATIFICATION OF PRIOR AGREEMENT.

The foregoing recitals are true and correct and by this reference are incorporated into this First Amendment. It is the Parties' intent, which is hereby expressed, that except as specifically modified herein, the original Agreement is not modified and remains an enforceable contractual relationship among the Parties.

Section 2: EFFECTIVE DATE.

This First Amendment shall take effect on the date it is duly authorized and executed by all the Parties, which date shall be memorialized by the Cooperative and distributed to the other Parties.

Section 3: DEFINITIONS.

a. The term "Combined Projects" in Section 1 of the Agreement is modified and shall read as follows:

"Combined Projects" means the West Polk Lower Floridan Aquifer Wellfield, Southeast Wellfield, Peace Creek Integrated Water Supply Project and the Peace River/Land Use Transition Treatment Facility.

b. The term "Peace River/Land Use Transition Treatment Facility and Reservoir" is created in Section 1 of the Agreement and shall read as follows:

"Peace River/Land Use Transition Treatment Facility" means a surface water facility to be implemented along the Peace River and transition of existing agricultural and/or mining withdrawals to public supply.

c. The term “Project” in Section 1 of the Agreement is modified and shall read as follows:

“**Project**” means one, two, three or all four of the Combined Projects, as determined when Phase 2 is implemented.

d. The term “Project Manager” in Section 1 of the Agreement is modified and shall read as follows:

“**Project Manager**” means the person or alternate(s) designated by the Cooperative pursuant to Section 7.3 to manage the Cooperative’s responsibilities under this Agreement with respect to each of the four Projects. The Cooperative may appoint the Combined Project Administrator as one or more Project Managers.

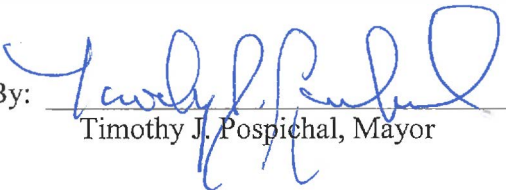
Section 4: GENERAL BACKGROUND OF THE PROJECT.

Section 2 of the Agreement is modified to add a new Section 2.4 and shall read as follows:

2.4 Peace River/Land Use Transition Treatment Facility. This Project includes construction of a surface water intake, treatment facility, storage facilities and transmission lines along the Peace River and transition of existing agricultural and/or mining withdrawals to public supply. It is estimated that approximately 30 MGD of surface water can be withdrawn from the Peace River and 6 MGD of groundwater will be made available as a result of land use transitions over a 50-year period. In the Phase 2 Implementation Agreement Engineer’s Report dated April 30, 2017, it was estimated that the construction cost for this Project would be \$150,232,900. But because that report only anticipated that 5 MGD would be available from the Peace River, the actual construction costs will likely be larger, but the unit cost of water from this Project should be less than originally estimated.

[Signatures begin on the following pages]

CITY COMMISSION OF THE
CITY OF AUBURNDALE, FLORIDA


By: 
Timothy J. Pospichal, Mayor

Date: 5-6-19

ATTEST:

By: 
Shirley Lowrance, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


V. Patton Kee, City Attorney

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

CITY COMMISSION OF THE
CITY OF BARTOW, FLORIDA

By: 
Leo E. Longworth, Mayor

Date: 02/04/2019

ATTEST:

By: 
Jacqueline Poole, City Clerk

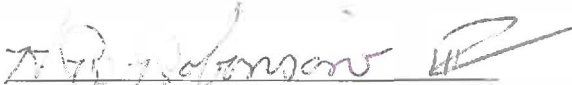
APPROVED AS TO FORM AND CORRECTNESS:


Sean Parker, City Attorney



IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

CITY COMMISSION OF THE
CITY OF DAVENPORT, FLORIDA

By: 
H.B. Robinson III, Mayor

Date: May 6, 2019

ATTEST:


By: 
Rachel Castillo, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Andrew J. Hand, City Attorney

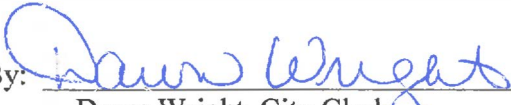
IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

CITY COMMISSION OF THE
CITY OF EAGLE LAKE, FLORIDA


By: 
Cory Coler, Mayor

Date: 3/4/19

ATTEST:

By: 
Dawn Wright, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Jeff Dawson, City Attorney

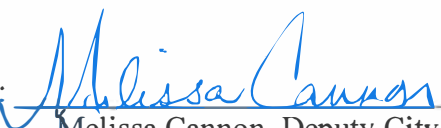
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CITY COMMISSION OF THE
CITY OF FORT MEADE, FLORIDA

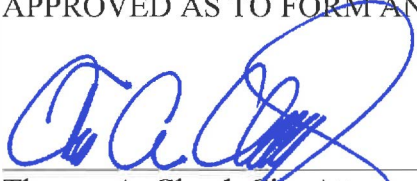
By: 
Robert Elliott, Mayor

Date: May 14, 2019

ATTEST:

By: 
Melissa Cannon, Deputy City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Thomas A. Cloud, City Attorney

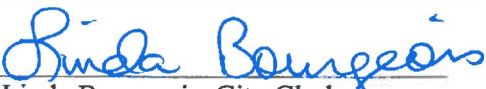
IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

CITY COMMISSION OF THE
CITY OF HAINES CITY, FLORIDA


By: 
Morris L. West, Mayor

Date: 5/16/19

ATTEST:

By: 
Linda Bourgeois, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Fred Reilly, City Attorney

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

CITY COMMISSION OF THE
CITY OF LAKE ALFRED, FLORIDA

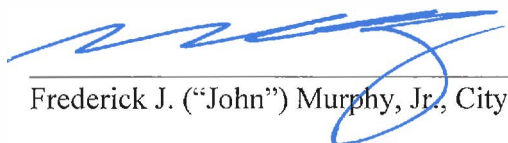
By: 
Nancy Z. Daley, Mayor

Date: July 8, 2019

ATTEST:

By: 
Amee Bailey, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

 7-6-19
Frederick J. ("John") Murphy, Jr., City Attorney

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

CITY COMMISSION OF THE
CITY OF LAKELAND, FLORIDA

By: 

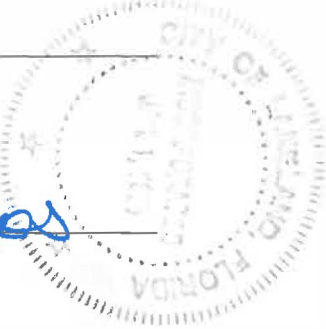
William "Bill" Mutz, Mayor

Date: 05.24.2019

ATTEST:

By: 

Kelly Koos, City Clerk



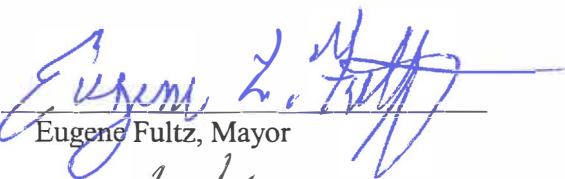
APPROVED AS TO FORM AND CORRECTNESS:



Timothy J. McCausland, City Attorney

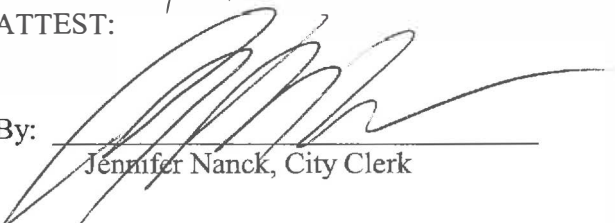
IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

CITY COMMISSION OF THE
CITY OF LAKE WALES, FLORIDA

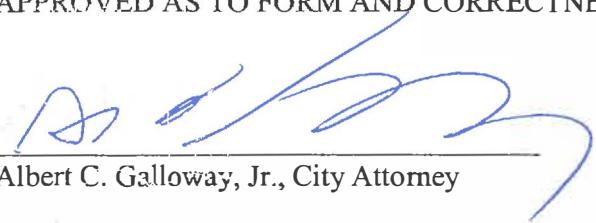
By: 
Eugene Fultz, Mayor

Date: 7/8/14

ATTEST:

By: 
Jennifer Nanck, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Albert C. Galloway, Jr., City Attorney


IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

CITY COMMISSION OF THE
CITY OF MULBERRY, FLORIDA

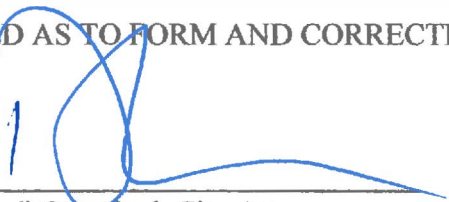
By: 
George H. Hatch, Mayor

Date: 8/20/2019

ATTEST:


By: 
Sharon Lauther, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


W.A. "Drew" Crawford, City Attorney

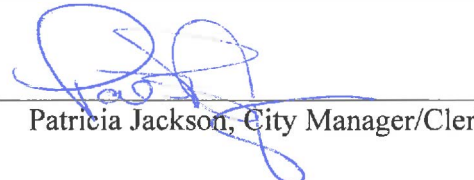
IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

CITY COMMISSION OF THE
CITY OF POLK CITY, FLORIDA

By: 
Joe LaCascia, Mayor

Date: 7/15/19

ATTEST:

By: 
Patricia Jackson, City Manager/Clerk

APPROVED AS TO FORM AND CORRECTNESS:


for Thomas A. Cloud, City Attorney

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.

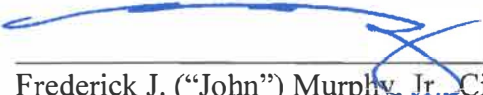
CITY COMMISSION OF THE
CITY OF WINTER HAVEN, FLORIDA

By: 
Bradley T. Dantzler, Mayor

Date: 10/2/19

ATTEST:
By: 
Vanessa Castillo, MMC, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

 10-2-19
Frederick J. ("John") Murphy, Jr., City Attorney


IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

TOWN COMMISSION OF THE
TOWN OF DUNDEE, FLORIDA

By: 
Sam Pennant, Mayor

Date: 6.26.19

ATTEST:

By: 
Brian Lueth, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:

 6-26-19
Frederick J. ("John") Murphy, Jr., City Attorney

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

TOWN COUNCIL OF THE
TOWN OF LAKE HAMILTON, FLORIDA

By: Marlene M Wagner
Marlene M. Wagner, Mayor

Date: 2-5-19

ATTEST:

By: Brittney Sandoval
Brittney Sandoval, Town Clerk

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.

ATTEST:

**POLK COUNTY, a political subdivision of
The State of Florida**

**Stacy M. Butterfield
Clerk to the Board**

By: *Atison Holland*
Deputy Clerk

By: *[Signature]*
**George M. Lindsey, III, Chair
Board of County Commissioners**



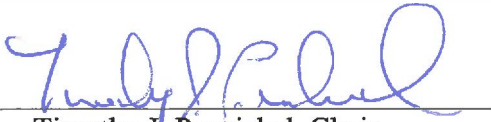
H.19

Reviewed as to form and legal sufficiency:

[Signature]
County Attorney's Office


**IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined
Projects Implementation Agreement to be duly executed and entered into as of the Effective
Date.**

POLK REGIONAL WATER COOPERATIVE

By: 
Timothy J. Pospichal, Chair

Date: January 16, 2019

ATTEST:

By: 
Eugene Fultz, Secretary/Treasurer

APPROVED AS TO FORM AND CORRECTNESS:


Edward P. de la Parte, Jr., Legal Counsel

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the Combined Projects Implementation Agreement to be duly executed and entered into as of the Effective Date.