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3 A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL  
4 APPROVING A REVISION REQUESTED BY PALM BEACH  
5 COUNTY AND APPROVAL BY THE BOYS AND GIRLS CLUBS  
6 OF PALM BEACH COUNTY TO THE FOURTH AMENDMENT TO  
7 THE AGREEMENT BETWEEN ACME IMPROVEMENT DISTRICT,  
8 BOYS AND GIRLS CLUBS OF PALM BEACH COUNTY, INC.,  
9 VILLAGE OF WELLINGTON, AND PALM BEACH COUNTY FOR  
0 FUNDING OF THE WELLINGTON FACILITY CONSTRUCTION  
1 AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE  
2 THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

5       **WHEREAS**, Acme Improvement District currently leases real property oat  
6       Community Park to the Boys & Girls Clubs of Palm Beach County under a 99 year lease  
7       dated February 14, 2006; and

9       **WHEREAS**, Wellington, Florida's Council hereby approved the Agreement  
0 between the Acme Improvement District, Boys & Girls Clubs of Palm Beach County,  
1 Inc., on February 9, 2010; and

3       **WHEREAS**, the Village of Wellington was added as an additional party to this  
4       Agreement and all parties desired to amend the Agreement on November 26, 2013; and

6       **WHEREAS**, the Village of Wellington (hereinafter “municipality”), paid for the  
7       design and construction of the project and payments related to this Agreement need to  
8       be issued to the Municipality; and

0       **WHEREAS**, on April 23, 2014, a final project inspection was completed by  
1       MUNICIPALITY and COUNTY staff to determine status of all project elements included  
2       in the Project Description Conceptual Site Plan, and Cost Estimate to the First  
3       Amendment to Agreement; and

5       **WHEREAS**, Although two deficiencies were detected during the final project  
6 inspection; and these two deficiencies are not deemed essential to the project in order  
7 to meet the full intent of the original Agreement, as amended; the County has requested  
8 that these two deficiencies be reflected in a revised Project Description, Conceptual Site  
9 Plan, and Cost Estimate and

1       **WHEREAS**, a revised Fourth Amendment to the Agreement has been prepared  
2       and is attached hereto as Exhibit "A"; and

4       **WHEREAS**, Staff recommends that the Wellington, Florida's Council approve the  
5       revised Fourth Amendment to the agreement.

7 NOW, THEREFORE, BE IT RESOLVED BY THE WELLINGTON, FLORIDA'S

1 **COUNCIL** that:  
2

3 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified as being true  
4 and correct.  
5

6 **SECTION 2.** The Wellington, Florida's Council hereby approves the Fourth  
7 Amendment to the Agreement between Acme Improvement District, the Boys and Girls  
8 Clubs of Palm Beach County, Inc., the Village of Wellington; and Palm Beach County  
9 amending the agreement to include a revised Project Description, Conceptual Site Plan  
10 and Cost Estimate.  
11

12 **SECTION 3.** This Resolution shall become effective immediately upon adoption.  
13

14 **PASSED AND ADOPTED** this 13th day of January, 2015.  
15

16 **ATTEST:**

**WELLINGTON**

17  
18  
19 By: \_\_\_\_\_  
20 Awilda Rodriguez, Clerk

By: \_\_\_\_\_  
Bob Margolis, Mayor

21  
22 **APPROVED AS TO FORM**  
23 **AND LEGAL SUFFICIENCY**  
24

25  
26 By: \_\_\_\_\_  
27 Laurie Cohen, Village Attorney  
28  
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