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RESOLUTION NO. R2017-22

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT
TO THE INTERLOCAL AGREEMENT DATED MAY 25, 2004
BETWEEN THE VILLAGE OF WELLINGTON AND PINE TREE
WATER CONTROL DISTRICT (PALM BEACH COUNTY) AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on May 25, 2004, the Village of Wellington had entered into an Interlocal Agreement (ILA) with the Pine Tree Water Control District (Palm Beach County), an independent special district created pursuant to Chapter 298, Florida Statutes; and

WHEREAS, although the parties anticipated and the ILA contemplated that the District would become a dependent district of Wellington, the electors of the District voted in an election held on July 18, 2006 not to become a dependent district of Wellington; and

WHEREAS, on October 26, 2016, in accordance with Section 19 of the ILA, Wellington provided a Notice of Termination of the ILA to the District with the termination date of the ILA effective July 23, 2017; and

WHEREAS, because the Village of Wellington and the Pine Tree Water Control District (Palm Beach County) believe it to be in their mutual interests for Wellington to continue to maintain the roadways within the District through September 30, 2017 to coincide with the fiscal period for gas tax collection, the parties have agreed to enter into an Amendment to the Interlocal Agreement dated May 25, 2004; a copy of which is attached hereto; and

WHEREAS, Wellington agrees to continue to maintain, through September 30, 2017, the following Pine Tree roadways in the same manner and with the same level of service as it has provided under the ILA: Rustic Road, Hollow Tree Lane, Skipiks Way, Cotton Tail Drive, Deer Path Lane and Norris Road; and

WHEREAS, All other general governmental services performed by Wellington in accordance with the ILA, including attendance at District meetings, shall be terminated on July 23, 2017 in accordance with Wellington's Notice of Termination; and

WHEREAS, the Parties agree to work cooperatively together to accomplish the turnover of general governmental services from Wellington to the District's management company; and

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WHEREAS, the District agrees and acknowledges that the continuation of roadway maintenance by Wellington in no way obligates Wellington to perform any other services for or on behalf of the District and in all other respects, Wellington’s Notice of Termination dated October 26, 2016 remains in full force and effect; and

WHEREAS, the District will not now or in the future allege or argue in any proceeding that Wellington’s performance of such roadway maintenance operates as a waiver of its Notice of Termination or otherwise revives any other obligation of Wellington under the ILA; and

WHEREAS, Staff recommends Council approve the Amendment to the Interlocal Agreement Dated May 25, 2004 between the Village of Wellington and Pine Tree Water Control District (Palm Beach County).

NOW THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA’S COUNCIL that:

SECTION 1: The foregoing recitals are hereby affirmed and ratified.

SECTION 2: The Wellington Council hereby adopts this Resolution approving the Amendment to the Interlocal Agreement Dated May 25, 2004 between the Village of Wellington and Pine Tree Water Control District (Palm Beach County).

SECTION 3: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 23rd day of May 2017.

ATTEST: **WELLINGTON, FLORIDA**

BY: _____
Chevelle D. Nubin, Village Clerk

BY: _____
Anne Gerwig, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____
Laurie Cohen, Village Attorney